

**The HOUSE of  
WHISPERING  
HATE**

**CHARLES S. WHARTON**





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# **The House of Whispering Hate**

by

Charles S. Wharton

Published 1932



THE EAST GATE AT LEAVENWORTH



CHARLES S. WHARTON (LEFT) AND DEPUTY UNITED STATES MARSHAL JOSEPH  
SPIZZIRI BOARDING THE TRAIN FOR LEAVENWORTH PENITENTIARY

# *The* HOUSE *of* WHISPERING HATE

*By*

**CHARLES S. WHARTON**

EX-CONGRESSMAN, EX-LAWYER, EX-CONVICT

EDITED By

**HARRY READ**

FORMER CITY EDITOR, CHICAGO AMERICAN



1932

MADELAINE MENDELSON

CHICAGO

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For the friendship and confidence reposed in me by the  
lawyers of Chicago, this book is respectfully dedicated to the

LEGAL PROFESSION

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## EDITOR'S FOREWORD

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IF THE Eighteenth Amendment to the Constitution of the United States had died aborning, this book would never have been written. There are none of us across whom that monumental shaft of legislative unreason has not, cast part of its far-reaching shadow. Like most of the bad and good things of life, that shadow has fallen unequally. Some lives have been disturbed little, others much; and it is in this latter category that the case of Mr. Wharton falls.

A law that may be unpopular can still be enforced in spite of its unpopularity — scan for example the history of the national income tax law — but if it fail to gain its utmost essential — respect of the body politic — it must of necessity fail in its enforcement. Small wonder then that Mr. Wharton, always a violent and outspoken opponent of the prohibition amendment, was governed in his misfortunes by the honest disrespect the dry law bred in him.

Mr. Wharton had been educated at the University of Michigan; had been in turn a Congressman at the age of twenty-nine, an assistant corporation counsel of the city of Chicago; a draft board official during the war, and an assistant state's attorney of Cook County for many years. Thereafter he had been lucratively engaged in private

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practice. Is it reasonable to believe that with such a history, he stepped quietly and knowingly into a robbery of the United States mail that was insane in its execution and childish in its supposed concealment?

The events which led to the tragic prison years in the former congressman's life began on February 26, 1928, shortly before eight-thirty in the morning. At that time a mail truck jogged over the cobbles of Chicago's Dearborn Street railroad station, turned, and backed up to a railway car beside the loading platform. Guards swung to the ground loosened the guns in their holsters, and stood on watch as messengers dragged heavy mail sacks from the truck and piled them inside the car.

In a little while the work was ended, and when the doors had been securely locked, yardmen switched the car into the passenger station where it was coupled to Grand Trunk train Number Ten pulling out at half-past eight for its run of fifty-five miles to Valparaiso, Indiana. Behind the mail car were the usual number of coaches with their usual number of passengers, and of these perhaps the least likely to attract any notice was a laborer, ungainly in wrinkled trousers, sheepskin jacket and cap, his trade plainly indicated by the overalls strapped to his earth-stained shovel

As the train rolled along, the laborer alternately dozed and yawned, or stared idly out the window. Then as the station of Evergreen Park drew near, he rose to his feet, buttoned his jacket and motioned the brakeman for the signal to stop. It was one of those little stations where stops are made only on signal; and the railroad man frowned, irritated that the whole train must pause in its journey because this solitary clod wanted to get off.

The train slowed obediently to a dead stop, and as the laborer started to descend, a sudden furious shouting filled the air. The train crew swept startled eyes along the cinder platform until the sight of a machine gun, waving sinister warning from a window of the ramshackle station, chilled them into immobility.

Men suddenly swarmed about the mail car. One of them menaced the far side of the train with another

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machine gun. A second darted to the end of the cars and took charge of the air control valve; a third fixed a bomb to the mail car door, lighted the fuse and scuttled back out of danger. All of them were masked, including the lame, burly leader who shouted hoarse directions and lent a hand wherever help seemed needed.

Meantime, the laborer had dropped to the ground and was running along the cinder path towards an automobile parked with its motor running. As he reached the roadway, there was a terrific roar from the mail car, and before it died away the bandits closed in. They rushed the bulging sacks to the auto where the laborer helped to pile them in the tonneau with swift, silent efficiency. When the last one had been transferred, the men jumped in, the car shot forward eastbound, and the United States postal department stood looted of \$133,000 in currency.

Word of the robbery flashed to Chicago. At once federal operatives were joined by city police in a drive to capture the bandits, and luck was with

them, although it came from an unexpected source. For several days the police had been tapping the telephones of notorious criminals, seeking to learn who had bombed the homes of Charles S. Deneen, then United States Senator, and John A. Swanson, the Deneen candidate for State's Attorney. Among the tapped wires was that of Charles "Limpy" Cleaver, known as a dynamiter.

Late on the day of the mail robbery, police operatives intercepted a call made by Cleaver's wife to the wife of William "Wild Bill" Donovan. Her voice shook with exultation, and it was plain to the men listening in that she expected Mrs. Donovan to add a few hosannas of her own.

"Did you hear what the boys did today?" she cried joyously. "We're rich!"

The arrest of Cleaver and Donovan followed as fast as police could get to them, and with the two men police found some of the stolen money.

Other intercepted calls indicated that the loot had been divided in the home Mr. Wharton had acquired not long before in Beverly Hills. It seemed incredible. Doubtfully,

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federal operatives accompanied by Captain William Schoemaker of the Chicago police went to the Wharton home. The attorney allowed them to make a thorough search, but when they sought to question him about Cleaver, he explained that as a lawyer he could not discuss a client's activities. Nothing was found on the premises, but in the ashes of a bonfire on a nearby lot, several mail pouch locks and metal eyelets gleamed dully in the winter sun.

Within a short time, members of the gang were identified and indicted. Frank Meccia was the traveling laborer; Virgil Litzinger the man behind machine gun number one, and Willie Jackson, machine gunner number two. Louis Padersonik dynamited the mail car; Lawrence O'Brien and John Flannery raised the outcry when the train stopped and later helped drag the mail bags to their car, while Cleaver was the hulking generalissimo who limped about the platform.

Donovan, O'Brien and Meccia pleaded guilty and testified for the government. On Meccia's story to the grand jury, later repeated in court, Mr. Wharton also was indicted and brought to trial with Cleaver. Meccia testified that he and Cleaver had called at the Wharton home the night before the robbery when Cleaver asked and obtained permission to use the

adjoining garage for” a little job.” The government’s contention was that Mr. Wharton knew the nature of the job and the jury agreed because he did not deny it from the stand.

The lawyer’s failure to take the stand was based on the behavior of his co-defendant, Cleaver, who sat in court and gleefully muttered threats to directly implicate him if he took the stand to deny the government’s charge. Cleaver looked upon Mr. Wharton merely as a witness against him, and he had the insane idea of every criminal that if certain witnesses can be kept from testifying, there is always a chance for acquittal. The remarkable array of character witnesses by whom Mr. Wharton limited his defense impressed, but failed to convince the jury.

They found Mr. Wharton guilty of conspiracy; Cleaver guilty of armed mail robbery. For this, sentences of two

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and twenty-five years were imposed on them respectively. Padersonik and Jackson later were murdered. Litzinger and Flannery eventually received twenty-five years each in Leavenworth. Donovan and O’Brien were sentenced to nine and a half years; Meccia, eight and one-half years, the lightest of all the actual robbers.

The guilt of the gangsters was patent, but in the minds of those who knew Mr. Wharton, his complicity in the plot was highly debatable. They had heard his version of the call that Cleaver had made at his home, and in a word it was this: Mr. Wharton had believed the “little job” to be a bootlegging matter.

The attorney had known that Cleaver was selling beer and moonshine in his shabby frame house, and when the man asked to use his garage he agreed on condition that it should not earn him the enmity of other bootleggers operating through the territory of Beverly Hills and adjacent suburbs. Cleaver told him not to worry and he did not — until he saw the newspapers at noon the next day.

When Mr. Wharton read the story he noted that the robbery had occurred near his home and for a moment he wondered uneasily if this was Cleaver’s “little job.” But he dismissed the idea because it seemed absurd to connect that petty criminal with a crime of such dimensions. When the attorney got home, he saw that a garage window had been broken, but there was no other evidence of anyone having been around.



Mr. Wharton later bitterly regretted his refusal to discuss Cleaver with government and police officials. He had felt that to tell them of Cleaver's visit would prejudice the man's case, since he was still his attorney. The regret was born when the authorities found those mail locks near his home — proof enough that Cleaver had robbed the train, and sufficient to turn Mr. Wharton from lawyer into co-defendant at the trial.

On August 2nd, six months after the robbery, Mr. Wharton heard himself convicted of conspiracy to rob the United States mails. He appealed, but the sentence was affirmed, and in June of the following year Mr. Wharton,

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who had sent many criminals to prison, came himself to know what it was to be a felon.

His experiences in prison he contrived to write down at odd times during that two-year sentence. They do not make a pleasant record. The recital is cruel, grotesque, sometimes revolting, with only occasional, short-lived gleams of humor, like points of light reflected in some sleazy mud puddle.

In this unlovely mosaic of time that he calls his prison years, perhaps the foulest blots are those directly attributed to the Volsteadian hand. The cruelest things he saw and heard fade into insignificance when he discusses the prohibition prisoners and their tragedies.

Degradation, dishonor and shame do not make agreeable reading, but I ask our readers to regard Mr. Wharton's analyses as a multitude of observations made by a man whose legal training has accustomed him to marshal his facts dispassionately, and who is qualified to reveal the true life inside Leavenworth penitentiary, a place he calls the House of Whispering Hate.

HARRY READ.

November 15, 1932.

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## CHAPTER ONE

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### WE WERE SEVEN

I ENTERED the gates of Leavenworth penitentiary as a prisoner on June 13, 1929. Looking; I could not see; listening, I could not hear. At the back of my mind crowded a picture worse than anything I could have imagined, a picture which blotted out everything else. Its title, "Two Years!" deafened my consciousness to all other sound. I had first beheld it some moments earlier when the train on which I rode with other convicted men swept around a slight curve, bringing the distant prison into view.

Picture a flat expanse of land that stretches to meet the brazen sky somewhere behind a dirty pile of stone, cement and steel, huddled upon the horizon. Gaunt, tall, menacing, a solitary structure towers above all else like some gargantuan finger rigidly lifted in warning. It is only the prison smokestack, but like the pile it surmounts and the miserable creatures who live about its base, it is tinged with the horrible grayish yellow of decay and death. A sluggish, oily smoke exudes from its mouth, fouling the clear free air above the walls — the only sign of life in all that barren scene.

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That then was my picture. I saw, it with horror, and at the thought: "Two years! Two precious years of my life!" I nearly weakened. That picture is with me yet — only death can blot it out — but the title faded with the months that dragged slowly by until I again became a free man.

There were seven of us who entered that day with United States Deputy Marshal Joe Spizziri, a friend of mine from the earliest years of my legal practice in federal courts. Besides myself there were Ralph Hines and Fred Zehrl; a Chinese, an Italian, a Lithuanian and a Negro. Hines and the Chinese were drug addicts; Zehrl had been caught passing counterfeit money; the Lithuanian was a bootlegger and I was officially branded a mail robber. The fate of the other two miseries I cannot now recall.

As we neared the end of our long ride from Chicago, Deputy Spizziri turned around in his seat towards his charges.

“You fellows better get rid of your cigarets and anything else you got on you,” he advised. “If you don’t, they’ll take ’em off you inside.”

Reluctantly everyone obeyed as the train slowed down and finally came to a halt before it started backing up — for our especial benefit. Then gently it slid between huge bolt-studded gates and stopped again. There was a clanging of steel on steel that told me our car was being uncoupled; a moment later the cars ahead of us pulled away behind the engine that snorted and gasped like an asthmatic old lady outraged to find herself in bad company, and we were left behind — abandoned on the desert island that society calls a prison.

Deputy Spizziri stood up.

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“C’mon,” he said, crisply, waving a plump hand towards the entrance. “Outside.”

The men got to their feet and began filing out, when abruptly the wizened Hines thrust forth a clawlike hand to bid me goodbye. I could see he had not realized that I was a prisoner, because there were no steel bracelets about my wrists, a mortification my friends in the Chicago federal building had spared me out of consideration, I suppose, for the many years we had known one another.

“Oh, no,” I finally managed to say to Hines, “I’m coming with you,” and I hurried ahead of the manacled men to get away from his widening, red-rimmed eyes.

Once we were all accounted for outside the car, Deputy Spizziri made his way towards a group of men in civilian clothes who surveyed us with calmly incurious eyes. These I came to identify later on as Warden Thomas B. White, Record Clerk John McConologue and Chief Convict Clerk Albert Rohan, a prisoner; and while they inspected the commitment papers Deputy Spizziri handed them, I looked about me with a mixture of curiosity and dread.

We stood in a high-walled enclosure which I judged to be three hundred feet in length, sixty in width. It was paved unevenly with dirty red brick through which the railroad tracks ran like twinkling silver veins, parallel with the long north wall. The western end, like the eastern entrance through which we had just arrived, was closed with another pair of the great bolt-

studded portals such as one sees in pictures of medieval castles. This, I soon learned, was the entrance, or salloport, “sallyport” as the convicts say it, officially called the East Gate.

My further observation was cut short by the approach of a guard and a huge Negro in long-visored cap and blue denims. I glanced towards Deputy Spizziri; but he was taking leave of the officials, his business apparently completed,

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and I quickly swung my eyes back to avoid seeing him go forth to the freedom I would not know for two long years.

The Negro stood eyeing us dully, but before I had time to discern the number across the knees of his trousers, the guard jerked a thumb in his direction and gave the listless command: “Follow him.”

We did as we were told, our feet turning towards those forbidding inner gates that creaked open at our approach. We plodded through into the prison yard, as chill and dreary a place as ever I saw in my life, despite the warm June sunlight that flooded it.

Heading directly west, the Negro led us down a street running through the prison enclosure, the guard following along behind, and presently we were passing the boiler house, if that filthily spewing smokestack was any identification. Facing it was the kitchen.

This is all I remember seeing, except eyes — eyes — eyes. Leering, mocking, rheumy or dull, they caught a man’s gaze wherever he looked. They seemed to speculate evilly, to gloat, to sneer, yet all of them were fixed and glassy, like the eyes of men newly dead. It was terrible, that gauntlet of eyes, and for the rest of the way all I saw were the heels of the man before me.

Once we swung to the left, then to the right, and at length we were going down a staircase into a basement, the receiving room beneath the prison barber shop.

For the first time in an eternity of minutes I looked up again. Here were more drab gray walls, the chilly strength of concrete and steel. A number of backless benches were strung down the center of the room, and one corner was given over to a line of uncurtained showerbaths. Directly opposite these was a rough counter like those of trading posts I had seen in mining camps. The shelves behind it

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were stacked with piles of blue denims, coarse patched underwear, shapeless cotton socks, thicksoled prison shoes; and the man who tended this sorry stock seemed to have had first choice of the garments.

Our Negro guide led us to the benches, halted us with a languid gesture and shuffled away. The guard behind us followed, while another who had been lounging about the counter, took his place as our official custodian.

“Siddown an’ take off all your clothes,” he ordered in a voice as flat as his predecessor’s. “Empty the stuff in y’r pockets into y’r hat an’ put it on the floor in front of you.”

Obediently, in silence, we sat down and undressed to the skin. Hines, the drug addict, scratched his arm and studied his wiggling toes. He was a pitiful, withered skinful of bones. The Chinese, wizened and impassive, followed the guards with black expressionless eyes from beneath their wrinkled lids. The Lithuanian stolidly rested his hands on his huge thighs and waited, like some insentient image of dough.

None of us looked at the other. We could not, though it struck me as pathetically humorous, this restraining sense of shame among lost men.

Presently the guard, accompanied by the prison physician, walked along our miserable line. One by one, at his curt, monotonous command, we stood up to undergo a search for narcotics, humiliating in its thoroughness. This included a thorough search of each man’s mouth since earlier arrivals had tried to conceal narcotics by swallowing a container attached to a thread strung between their teeth.

When this ordeal ended, the guard questioned us from his commitment papers, still in that deadly impersonal singsong, like a shipping clerk checking in a bale of goods.

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To make reply each man again stood up before him, stark naked, eyes stonily avoiding the derisive glances of the few prison attendants who were about. Then with a final “That’s correct,” the guard folded his documents, jerked a thumb towards the showers, and said, “Go take a bath.”

We washed in silence, save for the hiss and sloshing of the water over our bodies. It had been trying, this entry, and I found myself eager to get into some clothes, even the shabby garb of a felon. But there remained one more formality to go through before we were given our uniforms, and as we lined up for the third time the doctor came by with the guard who commanded: “Hold out your hands.”



As we obeyed, he slapped a quantity of blue mercuric ointment into each upturned palm, for an incoming prisoner must smear himself with the stuff as a final precaution against vermin. It smelled badly, it felt worse, and the thought behind it filled me with violent revulsion. Then, finally, it was over, and the convict storekeeper began sliding heaps of his goods to us across the counter.

Before I had undergone my initial humiliating routine, those shapeless garments, sizes too large for a man of my build, would have irritated me. Now I was almost grateful to get them. The overalls I could wrap around my waist twice; the shoes felt like size fifteens even with thick cotton socks to fill them out. Some underwear, a cap, a torn shirt of faded blue and white, and I was attired for prison. This outfit was only temporary, but it was clean, and by that time I was indifferent to what I looked like.

While I stood around waiting for the other men to finish dressing, a uniformed prison official entered, a cleancut, slender man in the early forties, whom I later came to know as Lieutenant John Krautz.

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“Where you from?” he asked walking up to me, as coldly impersonal as a doctor at a clinic. “St. Louis?”

“No. Chicago.”

“What for?”

“Conspiracy,” I said.

“Conspiracy to do what?”

“Rob a mail train.”

“Oh! Evergreen Park, eh?”

“Yes.”

“Well,” he persisted evenly, “what did you get?”

“Two years.”

He looked at me closely in surprise.

“Is that all!” he exclaimed.

“Isn’t it enough?” I snapped. Krautz smiled thinly and said he certainly didn’t think so.

“Well,” I told him, “I’m perfectly satisfied myself that it is.”

He turned abruptly on his heel and walked away, while I swallowed a further retort that was on my lips.

Meantime, another Negro lifer had entered, and once more we were herded together for our parade to B cell house, known as “quarters” in

prison lingo. where all new arrivals are temporarily housed.

“All right,” he called lazily, and behind him we fell into line, grotesque in ill-fitting suits and leaden-heavy shoes that were sizes too large or too small.

On that march to quarters I suddenly received a disconcerting surprise when I happened to glance at the kitchen doorway and saw a familiar figure standing there, staring at me unpleasantly. It was Doctor Spencer Brown, a man I had convicted for a \$2,000,000 warehouse robbery three years before, and around him were six or seven of his pals, all apparently waiting for a chance to hail me in

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fitting style. I sensed the situation at once. Swiftly I stepped out of line and thrust my hand towards Brown. “Hello, doctor!” I cried.

My greeting took him completely aback. He didn’t know what to say; but before he could think up an answer, the guard yelled at me from behind our ranks.

“Say you! Do you know you’re in the pen!”

I hastily fell back and tramped on, followed by the silent, resentful gaze of Brown and his gang. We swung to the right, to the right again, and entered cellhouse B. There we were marched to our cells on the five various tiers, thoughtfully built back to back with a narrow passageway between so that guards can hear the prisoners talking.

“G’wan, get in there, two o’ you,” said the guard as we reached an empty cell. He looked at me, and Freddie Zehrl, being at my left, followed me into the cramped, dismal space which at that particular moment looked blacker than hell. A slip of paper, “New Man” written on it, was stuck in a slot outside the door; then the other unkempt prisoners shuffled away out of sight behind the guard.

I sat on the edge of the cot opposite Zehrl and pulled off my cap. We didn’t speak a word, and only the occasional bang of a cell door broke that smothering gray silence. Up until then I had felt bewildered, like one of the, helpless animals being driven into the pens of Chicago’s stockyards before the callous watchfulness of yardmen. I prayed for the merciful numbness which is said to visit those in great spiritual agony, but my only answer was an awful awareness of prison bars.

As an assistant state’s attorney of Cook County, Illinois, I had been to Joliet penitentiary countless times. On all those visits, however, I sat in the

Warden's office, I

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smoked and I wore good clothes. Most important of all I could leave whenever I chose. Now, steel and stone penned me in a space less than forty square feet, and the brand of convict tortured me like a white hot iron.

At length I began to think about the men with whom I would spend the next two years of my life, and suddenly I found a slender ray of hope.

"Here," I thought, "We're all in the same fix. Everyone will be for everyone else. There will be some sort of camaraderie to make this life endurable. Misery brings people together."

It was scant consolation, but I clung to it desperately throughout those first few hours when the thought of locks and bars grew close to torment. I wanted to tear them out with my bare hands, to damn them out of existence. But after the first terrible seizure had passed, I threw myself on the cot and tried to sleep, realizing beneath my rage and misery that a man who loses his temper does himself incalculable harm. My eyelids refused to stay closed, however, and it took increasing effort to draw their darkness over the accusing ugliness about me. At length I sat up, exasperated. Zehrl was staring moodily out into the corridor, but his eyes slid unblinkingly back to me.

"Say, how long d'you think we been here, Wharton?"

It is the question that constantly presses against a convict's mind. Most inmates begin marking years and months on the wall, crossing them off as the time creeps by. Some count weeks; others — the fortunate ones — count days. With the last the thought uppermost is: "When I get out...!"

I answered Zehrl's question with a shrug. It seemed like hours, although actually, I suppose, it could have been no

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more than twenty minutes. We were silent awhile longer, then he began to talk. "Ever read Dostoievsky's 'Crime and Punishment.' Wharton?"

"Yes," I said. "Great yarn, Freddie."

"Funny thing about that police captain telling the murderer to scram, huh?"

He laughed in genuine amusement, but I couldn't even muster a smile. Still, we began to talk of books, and I found that Zehrl had a mind like flypaper — everything he had ever read stuck to it. He was only twenty-one

and Leavenworth was the farthest he'd ever gone from his home neighborhood around Emerald Avenue and Thirty-third Street in Chicago's stockyards district. What he lacked in education, however, he made up by constant reading; he was clever at analyzing what he read, too, and if we disagreed over his conclusions which were Socialistic in trend, it probably was because of the vast difference in our experience.

Noon finally crept around, and we were paraded out to mess. More straggling lines, more eyes, tin plates and tin cups greasy with use; a soggy mass of tasteless food and drink. A whistle. Back into line, back, at length, into that age-grimed cell.

Zehrl resumed his talk of books, but now I was only indifferently interested. It was very warm and I was growing restless. Too, I wanted a cigaret badly, and the more I thought about it the worse that craving became. I rubbed my hands up and down the cold steel bars and held them to my head. In the cells along the tier I could hear other men whispering, scraping their feet, cursing the heat, coughing and spitting with disgusting deliberation. Somehow the hours dragged by. Evening mess. More unpalatable food. Lines of shambling figures going forth

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and back. Finally it was half-past nine, Leavenworth's official bedtime, the hour when all locks are snapped into place for the night. First the big levers that lock cell tiers were clamped tight, then the guard came around and turned his key in the individual doors. It was maddening, that sharp, metallic rattle, like the sound of a hundred slot machines going full blast. Then, suddenly, all lights were turned off.

I lay on my cot, staring into the blackness before me, until the rustling of men shifting about was drowned in deep sonorous snores which came from the Lithuanian, the only man in my gang who seemed completely indifferent to his surroundings. In the days that followed he slept through most of his sentence in stretches which sometimes lasted for fifteen hours. That first night, however, his snores made the other men irritable and some began pounding on the steel walls of their pens, but all this failed to disturb him in the least.

Finally I dozed off, but only for a few moments. It was impossible to sleep except fitfully, and around three o'clock in the morning I gave up trying. When I opened my eyes, the first thing I saw was the outline of prison bars silhouetted against the opposite wall from the dim light shining

through the outside windows of the cellhouse — a bitter, spine-chilling shock.



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## CHAPTER TWO

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### IN QUARTERS

FOOTSTEPS sounded along the corridor. It was Guard Sullivan, I knew, making his rounds, and I sat up quickly, eager for the sight of another human being in that overwhelming desolation. When he reached my cell and saw me, he stopped.

“What’s the matter?” he asked softly.

“Can’t sleep,” I said.

“Oh.” He seemed to meditate a while, then he inquired: “Bugs?” I said no, I wanted to smoke like I’d never wanted anything before in my fifty-five years. Sullivan said that would be all right, but I had no tobacco.

“Can I borrow a cigaret from you?” I asked hopefully.

“From ME!”

“Sure,” I said, “Could I?”

“Jeez,” breathed Sullivan to no one in particular. “Is THAT a hot one!”

But he was a compassionate soul, and after he completed his rounds he returned with a cigaret which I grabbed gratefully through the bars.

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“Thanks!” I said. “Now will you give me a match, Mr. Guard?”

I could not see his face distinctly, but the tone of his voice conveyed his amused astonishment at my effrontery.

“Say! Anything else you want around here?”

It was too good an opening for a comeback.

“Yeh,” I chuckled. “I want out!”

Sullivan gave me the match with a soft laugh and walked away while I dragged on the cigaret and inhaled my first deep breath of satisfaction inside prison walls.

Presently Zehrl stirred on his cot. The smoke may have wakened him. At any rate he rolled over and blinked at me in silence until he observed sleepily:

“Huh! Kind of funny spot for you — the pen. Bet you never thought of this in Congress, did you, Wharton?”

“No,” I agreed slowly. “But after all, Freddie, it’s just another federal institution. I’ll admit, though, that I had a lot more fun in Congress.”

“So I heard.” He gave a short snicker. “You uster be the ‘Boy Congressman’ from back o’ the yards, weren’t you?”

I nodded.

“It was back in 1905 — you weren’t even getting ready to be born, Freddie,” I replied. “And I was raising merry hell with the Harry Thaw case, the packers’ investigation, and going places with Big Tim Sullivan of New York.”

“Big Tim Sullivan,” Zehrl repeated vaguely. “Who was he?”

“The boss of Tammany Hall, and the friend who shanghaied me to Paris when you were still in rompers.” “Jeez, Paris!” Zehrl exclaimed, suddenly interested, “How come, Wharton?”

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I said I’d tell him the yarn when I finished my cigaret because it was burning all the time I talked and I didn’t want to miss any of it. So he waited patiently until the last puff of smoke drifted out into the corridor’s darkness and my heel crushed the point of orange light upon the floor. Talking, I supposed, was not allowed at night, but under cover of that Lithuanian’s snores, my voice would not be heard. Besides, I wanted to think and talk of Big Tim, the great, strapping Irishman who probably was the foremost one-man power in New York political history.

He was a ready spender, a man possessed of rough humor as well as a tyrannical will that made a slave of everyone who became allied with him. Although he used neither tobacco nor alcohol, he ruled New York from his political clubrooms on the famous old Bowery in a cloud of tobacco smoke, like Zeus thundering forth commands through the clouds of Mount Olympus.

“He was a funny bird,” I told Zehrl at length. “Once he said that whisky was the crucifixion of the Irish race, so he didn’t drink. He was a great gambler, though, and he’d let his men gamble their heads away if they wanted to.”

As illustration of Tim’s bitter hatred of drinking, I told Zehrl about a dinner Tim gave at the Cafe La Rue in honor of a certain young lady during our stay in Paris. For thirteen years before, I hadn’t touched liquor and he

knew it; yet out of courtesy to his guest, and expecting, I suppose, that I'd refuse, he urged me to taste the champagne set before me. When I did, he gave me a pile-driving blow with the back of his hand that sent me spinning across the floor until I landed beneath the table of Judge John Barton Payne and some of his friends.

"God'lmighty, what a guy!" murmured Freddie admiringly. "Wha'd'ya do?"

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"Picked myself up and explained to the judge that Tim was just feeling a little bit playful. Then I invited him over and introduced him all around," I replied. "You see what had happened Freddie: Big Tim Sullivan wouldn't let any man with him ignore his ideas about things, and that went for me, although I didn't become his guest willingly."

"Yeh, so you said," Freddie remarked. "How'd he shanghai you, anyway?"

And so I told him of how I had gone to New York in the spring of 1912 to see a client who was in a bad predicament. When the man told me his story it was plain that Tim's political power alone could straighten things out, so I went to him at once, and after he had sent for the famous Pinkerton and Chief of Detectives Dockerty, all I had to do was collect a fee.

"With the money in my pocket," I continued, "I went back to Tim's clubrooms and sat in at a poker game. An hour later I had lost nine hundred dollars — every cent I owned. It was a grand joke to Tim, and for the next two weeks he kept me with him wherever he went, even to Albany and Montreal and he never lost a chance to josh the 'Big Congressman from the West.'

"Then a short time afterwards, the Titanic sank, and Tim, out of some hidden perversity, arranged to sail for Europe with part of his gang, including Harry Kopf, then Republican leader of the New York legislature; Colonel 'Big Mike' Padden, Ralph Di Paoli, Gus Rhoder, a newspaperman, and Tim's secretary, Harry Applebaum.

"The night before their ship sailed, I asked Tim for my fare back to Chicago, but he was in a hurry.

"'I gotta go see Charlie Murphy,' he told me. 'That Judge Mc——, the little fool, has got hisself into a scrap wit' some doll in front of Luchow's restaurant.'

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“Now that was a serious thing, I knew, because Mc—— was still within the probationary period prescribed by New York law for all judges, and any scandal would have ousted him from the bench. So we stepped into Tim’s car and were driven to the home of Charles F. Murphy.

“There a servant admitted us and a moment later Murphy came into the parlor. He was a sleek, reserved man, with cold blue eyes behind his glasses. Heavy-set, tight-lipped and conservatively dressed, he looked the typical political boss.

“‘Hello, Charlie, I want you to meet the Big Congressman from the West,’ Tim greeted him. ‘He’s all right only he’s a Republican. This is the guy we had his picture hangin’ in our club.’

“Murphy laughed and shook hands with me.

“‘I want to see you for a few minutes, Charlie,’ Tim continued.

“‘All right,’ said Murphy. ‘Come on back.’

“They went into a back room to discuss the capers of Judge Mc——, and when they were through Tim came back and we returned to his car.

“‘Now for the Becker mix,’ he said. And we were driven over town to see the police lieutenant. ‘I got to get Herman Rosenthal straightened out with Becker before I go,’ Tim told me. ‘He’s havin’ some trouble with him about a gamblin’ house.’”

Zehrl peered blankly at me through the gloom.

“Who were those guys?” he wanted to know.

“Well, I said,” Rosenthal later was murdered in New York for squawking. Becker was a police lieutenant squeezing Rosy for a bigger percentage until the gambler’s threat to squeal got back to him and Becker had him

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killed. But Becker and the men who did the job were killed in turn — legally — in the electric chair.” “Hah!” Zehrl laughed. “The good old days, hey, Wharton?”

“They were for me. Great days, Freddie.”

“Gee, the way they talk now, you’d think this gang stuff was sumpin’ new,” he observed.

“Well,” I answered, “Big Tom Foley who sponsored Alfred E. Smith could have told you a lot about that, Freddie. Ever since he kept a saloon back in 1877, he knew the game inside out.

“Tom had an office near the Criminal Courts in New York City where he signed bail bonds most of the time, although he dabbled in real estate too. He was a great pal of Big Tim’s and Tim made him sheriff around 1907. Then eight years after that Mayor Mitchell of New York tried to oust Foley and the fun was on!

“Talk about your gangs and guns and alliances of crime and politics — why say! New York was taking a post-graduate course before anyone ever heard of a Chicago gang!

“Foley was nearly assassinated, and when that attempt failed, one of his lieutenants named Mike Camara or something like that, was killed. They arrested a fellow named Rofrino who belonged to an organization which supported the Mayor, but he beat the case. In the end, though, Foley came out on top. I guess he was one of the greatest political bosses of all time save Big Tim and Charles F. Murphy, titular head of Tammany Hall.”

“Sounds like Ellers’ Bloody Twentieth ward in Chi, don’t it?” snickered Zehrl. “On’y that Chicago crowd look like a bunch of petty larceny racket guys alongside of what New York turns out. But anyway, how didja get to Paris, Wharton?”

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I went on to tell how I made the rounds with Big Tim who was sailing the next morning abroad the S. S. Rotterdam.

“When we parted that night, Tim told me: ‘Come over to the dock tomorrow and see me off, Charlie. There’ll be a big crowd but I’ll have one of the bhoys slip y’enough to pay y’r hotel bill an’ get a ticket.... Say now! How much d’you need, anyways?’ I said about four hundred dollars and Tim said: ‘All right. I’ll have Sam Wolff take care of you before we sail. An’ now g’night to you, Congressman!’

“Next morning I found the dock packed with brass bands blowing full blast, messengers hauling loads of flowers on board, and a mob of Tim’s followers with their families, shouting and screaming farewell. I managed to get to Tim’s stateroom where the general hilarity and the crowd of people milling about made me forget what I’d come for until the bell rang for visitors to leave the boat.

“I started towards the gangplank that was just about to be cast off, when a huge fist suddenly connected with my jaw and three or four of Tim’s Bowery huskies picked me up, gave me a final thump, and the next thing I

knew was a headache that seemed to fill the luxurious stateroom where I lay.

“I had been shanghaied.”

“It was March when I left Chicago. I landed in Paris May first with one thin dime in my pocket and not an extra collar for baggage. I didn’t get home to Chicago until the following August and that dime was as lonesome as ever.”

“What kind of a time did you have?” Zehrl interrupted eagerly. “Lotsa whoopee?”

“Sometimes,” I said. “But other times we had the sort of rowdy-respectable party that Tim alone could make.

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For instance, the time when he dined at the home of Nash Turner, a famous trainer of race-horses, some miles outside of Paris.

“When we arrived, Mrs. Turner had a grand ham all set for dinner. It had been basted with rum and champagne, seasoned and cooked until it would melt in your mouth. But it meant no more than ashes to Tim because it was Friday.

“He apologized profusely and explained that his men abstained from meat on Fridays. ‘But,’ he added, ‘we got an A.P.A. with us, who’ll do the honors for the rest — my friend Mr. Wharton here, the Big Congressman From the West.’

“So Mrs. Turner served a baked fish as well, although I took the ham. Well, every time I lifted a piece on my fork, Tim’s boys turned a shade greener, and finally Di Paoli, the young Italian leader of New York’s lower East Side, looked so miserable that Mrs. Turner urged him to try a piece of it. Ralph weakened and ‘guessed’ he’d have just a little bit.

“As his plate went down the table for serving, Tim turned a violent red, but he didn’t say a word. Then when dinner was over, Mrs. Turner served some old Napoleon brandy with the coffee. Tim watched Ralph smack his lips over the liqueur, and then he growled to me, ‘Ralphy better take three or four o’ them things. He’s gonna need it when we get outside.’

“Now Tim never made an idle threat in his life, and his words made me very uneasy. He didn’t say a word to Ralph until we had left the grounds of the Turner estate in the auto we’d hired to take us out and back. Then he opened up. ‘Well, now, Ralphy,’ he drawled, ‘didn’t you tell me manny’s the time that you’d never eaten a piece of meat on Friday in your life?’

“Ralph looked sort of stricken, but he managed to answer ‘Why no, Tim — I don’t think I did — er — did I?’ ‘Well, Tim shot back at him, ‘we’ll just let that go for a while. Annyways, there’s nothin’ wrong with y’r ears is they?’ Ralph said no in a small, strangled voice, and Tim roared: ‘Didn’t you hear me make them embarrassin’ apologies to Mrs. Turner, account of our abstainin’ from meat of a Friday? What d’you suppose that lady thinks of us after I tell her we don’t eat meat, and then you wade in like a pig at a swill barrel?’

“Tim had a hand like Dempsey, and suddenly it shot into Di Paoli’s thick black hair, while his other one conected with Ralph’s jaw. I tried to make Tim quit, but he turned on me with such fury that it took all my courage to keep the argument going. ‘All right,’ he said finally, ‘you don’t want him slugged, do you, Congressman. Of course not,’ I said. ‘Lay off!’ Fine,’ said Tim. Out of def’rance to you tinder feelin’s I’ll lay offen him, but hes got to give me every nickel he’s got and get out and walk back to Paris. An’ lissen! When he gets back to the hotel — if he does this night — we’ll try him. You can be the judge· me an’ the boy’ll be the jury. What the devil! We can’t let anny guy be guilty of disobedience in MY mob!

“Then he hammered my chest with his big forefinger, and he added: ‘That goes for you, too, while you’re in Europe as the guest of the Sullivans!’”

Zehrl suddenly put up his hand; I broke off abruptly. The guard’s footsteps were faintly discernible beneath the rhythmic snores of the Lithuanian, and we stayed quiet until he had passed. Then Zehrl remarked softly:

“Some guy, that Sullivan. But say, Wharton, whatever become of him?”

At that question the restrospective happiness of the last few minutes fell away from me as withered leaves fall

from a tree in a cold, raw wind. I didn’t want to talk of Tim any more, it was too painful, for through my mind shot the bitter contrast between hale, hearty, tyrannical Tim at the height of his glory and the stricken man who lived the last two weeks of his life at the home of Paddy, his brother. Then one night he was seized with some half-crazed urge to get back to the scene of his triumphs, and silently he stole from the house, striking out blindly,

madly, in the direction of his beloved Bowery. An hour later he stumbled across the railroad tracks in Pelham Parkway before an oncoming freight train, and was ground to death. His body lay on a slab at the New York morgue for two whole weeks before it was identified, an inglorious end for the one-time power behind the throne of New York's Tammany Hall.

Tim may have been a Simon Legree at the polls, but he knew how to be a bountiful, unquestioning Santa Claus to the poor of his district, not only at Christmas, but throughout the long, bitter winters. Moreover, he had built bridges across the Hudson River, he believed in good government, and he authored the stringent Sullivan anti-gun law that is still on the books of New York State.

"Well," I told Freddie Zehrl after a time, "Tim died."

"Uh-huh, they all do," he returned, ruthlessly matter-of-fact. "So what did you do?"

"Oh I was back in Chicago long before that. They made quite a story of the kidnaping in the newspapers, and I clipped the yarns for my scrapbook so....."

Again I broke off, while Zehrl raised himself on one elbow, listening intently. We had gradually become aware of whimpering, like that of a wounded animal, coming from a nearby cell. It was a disturbing thing to hear, like the pain of a surgeon's probe in a festering wound translated into sound. Then a voice suddenly broke into

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rich, musical lamentations. It was a colored man farther along the line, singing a spiritual of his race.

"Hey!" bellowed a guard angrily. "What the hell's the matter with you! Shut up!"

Heavy footsteps hurried down the concrete floor and the singing stopped. The gray silence closed in on us once more, broken only by a snore every few seconds from the imperturbable Lithuanian. The whimpering, too, had ceased.

Through the cell window the unearthly drab light of dawn was sifting in, and I dressed, although the cell was warm, and after I had dressed, I shivered. At the foot of my bunk lay a book that Zehrl had obtained. I tried to pass some of the time by reading it in that pallid, chilly light; but I cannot remember a phrase of the text, much less its subject.



As the minutes went by, horrible, dragging minutes, the noise on the tier increased. There were a lot of drug addicts locked in, and they began to cough and retch and spit for the rest of the night. I never considered myself a sensitive man, but at their constant hacking and spewing, their moans and idiotic mouthings, the foul oaths that now and then pierced the disgusting clamor, I was sickened.

Towards breakfast they quieted somewhat, but I had no appetite for food. I wanted only to smoke and talk — to smoke to sooth my jagged nerves, to talk to lift myself in imagination out of those vile surroundings. Back in the cell after this first prison breakfast, we learned that the privilege of an hour's exercise in the high-walled yard would be denied us. The prohibition was due to an order issued by Warden White the day before to the effect that all men who had not yet received prison numbers were to be kept locked up in their cells over Sunday. It was a

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terrific disappointment, and Zehrl offered the naive suggestion that I might have been the cause of it.

We learned the truth later in the day when I had my first visitor in Leavenworth. He was a slight, dapper little man, past middle age, whom I recognized instantly as a famous figure in Chicago crime annals — “Yellow Kid” Weil, the king of confidence men.

I had known him during my years as a prosecutor, and although he had no reason to think of me kindly, he brought me a razor, shaving soap, and — to my intense delight — a package of cigarets. His friendliness humbled me, and as I faltered for words with which to thank him, he chatted about the Warden's new order and then left abruptly with a deprecating flap of his hand to my murmured: “Well — thanks, Weil — I certainly appreciate —”

Zehrl calmly resigned himself to being locked in the cell all day, and we tried to pass the time reading and talking. Thus we existed until dinner and half-past nine, and three o'clock the next morning when the dope fiends set up their hellish chorus. But there was one thing which distinguished this second night from the first: I had enjoyed a shave, and I had cigarets and matches — of my own — thanks to the “Yellow Kid.”

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## CHAPTER THREE

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### MUCK AND BLOOD

FOR EIGHT DAYS I remained in “quarters” but before that brief time expired, I had learned something of the violence and bloodshed that took place within the prison walls. My instruction began at noon mess one day when I was told that a convict in cellhouse A had gone insane and killed himself.

“Just blew his top,” whispered the man on the bench beside me, “an’ jumped off the fifth floor tier. Landed smack on his head, too.”

I had not known the suicide, but that brutally terse description hit me with the force of a blow. What madness born of despair had driven him to destroy himself — might drive others to choose death in preference to a lifetime within that awful place? Two days afterwards, part of the answer was made plain when I found myself one of a drab gray chorus that hovered in the background of a ghastly tragedy.

We had shuffled forth to another breakfast of greasy, tasteless food, when suddenly there was a terrific uproar behind our line, and a moment later guards rushed past, bearing a stretcher. I glimpsed a lumpy form huddled

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beneath a blanket, and then my legs nearly gave way, for the rear end of the covering failed to conceal a hairy, broken human skull from which a bloody, gelatinous mass exuded forth upon the dirty canvas.

I wanted to turn and stagger back to my cot, but prison discipline doesn’t take such things into account. Therefore I kept on to the mess hall where the sight of dirty tin plates, the smell of sloppy food, nearly succeeded in putting me on sick call.

Word of the murder spread like wildfire through the prison. The victim was Warnicke, civilian foreman of the laundry, whom the convicts regarded as a brute and a bully, delighting to torment his prison slaves. It was his

favorite diversion to taunt Panzaran, a convict murderer, about his reported moral habits, but the day of his killing he had jeered once too often. Goaded to frenzy, Panzaran picked up an iron bar, and with a single savage swing, smashed off the top of the foreman's head.

For days the prisoners spoke of nothing else, and gradually I managed to overcome the nausea which memory of Warnicke's bloody and battered skull had induced, until I was able to discuss the affair without shuddering. As another aid to forgetfulness, I found myself busy answering the questions of curious prisoners. Phrased in their own peculiar lingo, they provided a few fleeting interludes of amusement, in spite of the irritation they caused me at first.

One would sidle up and whisper hoarsely: "Say, where'd you fall from?" or in plainer speech, where had I been convicted. Others, eager to hear the worst, wanted to know: "Was it a big score?" (a large amount of loot); "Who was the cutor?" (the prosecutor); "What did the elbows (police) do to you?" "Were you caught bang to rights?" (caught in the act); and "What kind of a mug

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was the wig?" which meant "Who was your judge and what was he like, severe or lenient?"

After the first few questions I learned not to smile openly. Prisoners' nerves are raw; each man is hypersensitive to every look or action about him, and a twinkle of the eye can whip him into a dangerous rage. United in their hatred of the guards, the convicts nevertheless hated, feared and suspected one another. Some tried to curry favor with guards and officials; others vented their spleen with a fiendish and relentless ingenuity upon those who had something they themselves could not get. Oaths and vile epithets accompanied every spoken thought, and to a great extent this was also the language of the guards.

An appalling number of convicts, I learned, were vicious to a degree which can be properly described only in pathological textbooks. There was a large percentage of drug addicts, and despite the mental and moral deformities of certain groups, the average intelligence of a Leavenworth inmate was no better than that of a moron. All of them, however, shared one characteristic — delight in making their weaker fellows suffer.

For example, one boy kept four little 'possums as pets. Another prisoner learned of it and when the chance arrived, he chopped off their tails.

Bleeding and whimpering with fright, they were found by the boy hours later, but his grief and rage only sent the torturer and his pals into guffaws of laughter, while the prison guards maintained a callous indifference to it all.

Then there was Pierson, a good-natured Negro who had served nine years of a twenty-five year sentence when he was granted parole. Willing and anxious to obey rules, his nerves naturally grew taut as the time of his release approached, and this fact was gleefully observed in more than one quarter.

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The day before he left, a convict sought him out and told him that the guard at the Hole, for whom Pierson worked, wanted him to get a bottle of medicine from the hospital. The Negro trotted away dutifully and at the hospital he was given a bottle of water which he put in his pocket and started back at double-quick time. On the way a guard stopped him, and ignoring Pierson's explanation, insisted on searching him until he "discovered" the bottle.

"Hah! Medicine!" he scoffed, eyeing the prisoner darkly. "That's a good story. G'wan back to duty, you ——! Sure looks bad for you — prob'ly stop your parole."

Pierson was stricken with terror, and after he managed to stumble back blindly to his cell, his agony furnished an evening's rare hilarity for everyone in on the "joke."

Another colored boy, who attended to the Captain's clothes, was made the butt of an equally cruel jest about that time. After he had locked a freshly pressed pair of trousers in the wardrobe one evening, two guards waited until he had gone, then removed the door by unfastening the hinges, took out the trousers, and put the door back in place.

When the boy returned later on they told him the Captain had called for his clothes. He opened the wardrobe and nearly fainted with fright when he saw it was empty. At once his tormentors accused him of stealing the trousers so that he was close to hysterics before they let him go.

That, then, is prison humor, indulged in not only by convicts but by many of the guards as well.

Some of the guards and officials were fair-minded, even considerate, as I learned in my "quarters" period, but they were in the minority. Most prison

attendants threatened and cajoled the men into giving evidence about fellow

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criminals still at liberty, to Department of Justice Agents. A powerful persuader was found when a convict was due to appear before the Parole Board, for few men can resist the bait of freedom.

One petty official close to Warden White during my term at Leavenworth was among this group of small-minded men, drunk with absolute authority and consumed with their own importance. He was an undersized, hatchet-faced man, whose every word was an offense to decency, and at all times his manner to convicts and their visitors was maddeningly arrogant.

Still other guards went about their duties with tobacco juice dribbling from their mouths, an example of filth that matched the utterances of their tongues. In all the time I spent at Leavenworth, I saw nothing to build a man's self-respect, or instill in him the desire to reform.

A certain guard and a high prison official, I learned very quickly, were two of the men most feared and hated by convicts. The official I recall as a man intemperate in thought, speech and action, who seemed to derive intense satisfaction from the swift punishment of prison offenses, whether proved or not. The guard delighted to brandish a gun and pour streams of obscenity over an unoffending prisoner from his post in the upper tower of the inner East gate. Once he shot a civilian truck driver through the back, and managed at the same time to shoot a convict when the bullet ricocheted from the prison wall. I have seen him menace convicts a dozen times a day with his gun, threatening to shoot them between the eyes. Even the other guards seemed fearful of the man whenever they had to pass through the sallepport.

Typical of the average prison guard was one known as Captain Dribble because of the tobacco juice oozing over his chin. His slightest remark was embellished with curses

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and the foulest language, yet he fancied himself a wit, and encouraged the prisoners to indulge in repartee. It was an invitation to disaster to win a verbal tilt with Dribble, because he would instantly report the offending

convict for insolence or insubordination, and that meant bread and water in the Hole for from three to ten days.

Another hated guard was "Fifty-Fifty." No sense of fair play won him his nickname but merely the notable feat of sending half of a gang of seventy men to the Hole of a morning, and doing as much for the others in the afternoon.

From the first, however, Guard Jerry Sullivan remained the one bright spot in that noisome existence. For thirty years he had been in charge of Cellhouse A, and even the lifers who had known him all that time had nothing but good to say of him. Jerry would sit in his chair before the doorway and joke mildly with prisoners. If a man went out, he would ask in mock severity: "Where you going?" and when the prisoner had made known his errand, Jerry would turn on his slow, kindly smile.

"Well, don't stand there," was his unvarying command. "Go along down."

One evening I met him and learned that it was his birthday.

"I tell you," he said earnestly, "I hope I've never done anything to merit the ill will of any man here. I've tried to lend a hand wherever I could, for I've faith that it does some good."

Guard Dempsey at the front door was another fine character. He knew that relatives and friends of convicts usually arrive in a nervous, high-strung condition, and he always did his best to soothe them before they met the men they had come to see.

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For the most part, however, Leavenworth's guards seemed to suffer from congenital hysteria, and when something serious occurred, they whipped up the excitement by their behavior, before they dispelled it with a show of weapons. There was the Rappaport thing, for example.

Rappaport had been convicted of peddling narcotics along with four or five other men from Chicago and Detroit, after having been decoyed into a deal and trapped for the government by an informer named Bernstein. Time passed, and to Rappaport's insane glee, he learned one day that Bernstein had fallen afoul of the law, and was due to serve a sentence in Leavenworth himself.

"He'll never live to eat a meal here," swore Rappaport, and with hellish eagerness he waited for the entry of his betrayer into prison. When that

morning arrived, he counted the hours and minutes until Bernstein was likely to enter the mess hall, and he laid his plans accordingly.

At last the long-awaited moment came. The hall was filled with drab-blue figures sliding into place before the long, board tables, and a stream of others marching through the door. Everything seemed calm and peaceful.

Then, without warning, a shout electrified the place. Men stiffened, some sprang to their feet. Guards began yelling to one another, increasing the uproar and as they rushed around excitedly, word spread from the back of the hall to the front that Rappaport and Bernstein had met, a knife flashed, and the erstwhile government informer had screamed as the blade tore a red swathe across his throat.

The Captain's whistle blew frantically for order. A few of the guards dashed back to disperse the convicts massed around the wounded man, and succeeded in raising pandemonium for fully ten or fifteen minutes. When their hysteria subsided somewhat, Rappaport was dragged

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away to the Hole, his victim carried to the hospital, and under the threat of guards' lead-weighted canes the hall fell back to its normal appearance of quiet.

The knifing took place at ten minutes past eleven. Bernstein had entered the dining hall for his first meal five minutes before, and Rappaport had kept his word.

Weeks later when Bernstein had recovered sufficiently he was shipped to McNeill's island to serve out his sentence, for prison officials knew word had spread among the convicts that he was a stool pigeon, enough in itself to put his life in constant peril.

It was much the same case with Arlie Boswell, former State's Attorney of "bloody" Williamson County in Illinois, who had been convicted of conspiracy to violate the prohibition law. His initial appearance in the yard for exercise was brief. Striving to be nonchalant, he strolled forth, apparently impervious to the hatred he inspired until the nearby guard had turned away. Then quietly, and with deadly precision, a gang of men closed in on him, some of them prisoners he had prosecuted in the days of his power.

When they picked him up he was carried away to spend six weeks in the prison hospital, and when his second appearance in the yard inspired

another savage assault, he was transferred to Alderson Road camp where there weren't so many familiar faces.

Such is the criminals' attitude towards prosecutors, dry snoopers and other agents of the law who have fallen by the wayside. Most of these men were given work outside the prison walls and in that way protected from violence. They went forth at five in the morning and returned at half-past seven at night or later, while a few even lived outside the walls and never came in contact with the other prisoners.

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In my own case there appeared an extraordinary exception. Although I had been a prosecutor in Cook County and had in fact been largely responsible for the federal conviction of Dr. Spencer Brown who watched my entry into Leavenworth, I had been weighed by the convict body and found not wanting. I was deemed a "standup guy" because I had refused to aid the government or to testify against the Evergreen Park mail robbery band. Although my refusal was founded in law on the theory that one of the robbers was my client, the convicts steadfastly attributed my attitude to "regularity."

Those whom the convicts hated most bitterly, however, were former government employes, and to this class belonged a former prohibition agent named Conroy, serving a two-year sentence when I knew him. A few months after his entry he was made a trusty outside the walls at the Chief Clerk's house, not only because he belonged to the hated class but because it was known among the convicts that he had turned against his former associates.

Whenever the government sent him back to Indiana as its witness, he was dressed in civilian clothes and kept under guard throughout the entire time of his absence. On one of these occasions I saw him sitting in the Captain's office, and noticing his clothing, I walked in to learn the cause.

"What's up, Conroy — some of your folks die?"

In that event, I knew, prisoners sometimes were permitted to attend the funerals — under guard of course — and I thought it might be the case with him. But he slumped farther down in his chair and shoved his hands deep in his trousers' pockets.

"Nope," he said with a sheepish, apprehensive glance at my eyes. "It's worse. I got to go back to Indiana and testify against some of the boys."

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When I didn't make any malicious comment such as he seemed to expect, he blurted out:

"Gee, Wharton! It's hell to think of the razz I'll get here when I come back."

I almost felt sorry for him, badly as I hated his breed, because I knew the venomous pleasantries that would hit him from all sides the moment he returned.

"Well, hello John," someone would say. "How many did you bring back with you?" or "Did you cinch your parole that time, John?" or "Did you have a nice trip, fella? I hear the government's going to give you a cut in sentence." All this with an oiliness of voice that barely filmed the hatred and detestation beneath — hatred which might easily vent itself in a savage physical attack.

Yet it remained for the Parole Board to completely abase John Conroy and fill his enemies with delight. For some mysterious reason it ignored his services as a government witness and denied his application for parole, and as if the gods took perverse delight in making that day one of rejoicing for the other convicts, on the heels of this news came word that Conroy's fellow Hoosier, John Vogelein, also had been denied. Both men were in the hated class; both had the reputation of being stool pigeons; and both had failed to profit from their labors in prison.

Vogelein had been a deputy sheriff, and from the first day he entered Leavenworth, he set himself to win officialdom's favor. His parole was ordered in due time, but an unexpected hitch developed when it was found that no check had been made on the person he had named as a "first friend." Accordingly, his parole papers were returned, and he went back to work at the prison Number Two farm, heartsick and frightened. Nevertheless he continued to seek favors from on high, and because this was

known, the convicts credited him with the eventual tragedy of Old Jack, an aging lifer.

Old Jack was a trusty, a post he had won because of his excellent record on bleak McNeill's island where he served the first part of his sentence, and because of his placid acceptance of fate. Soon after arriving at Leavenworth he was assigned to duty on a bridge which crosses the Missouri River at Number Two farm. He was permitted to live in a crazy old shanty built

upon the bridge, and there he enjoyed as much solitude and liberty as any prisoner can hope for. Most of the men considered his lot an enviable one, for in his leisure moments he would perch on the bridge railing and chat with other convicts, far removed from the petty feuds and rivalries which breed among men who are forcibly herded together.

One day a man who had served a term at Leavenworth drove up to the bridge with his wife. He had known Old Jack, and on this occasion he stopped to give the aged lifer a package of Copenhagen snuff, a rare treat for Jack who had not a penny to his name. For awhile they talked; then the man and his wife drove on as Jack took his present and put it inside his shanty.

Vogelein had seen the incident from the other end of the bridge and the next morning he rode inside the prison on a service truck. That night Old Jack had a visit from the guard lieutenant. He was questioned at length about his visitors, but apparently his answers failed to satisfy the officials, for he was taken to the deputy's office for further explanations.

"Why, Deputy," he protested, "It's crazy to think I'd run away. I'm an old man now; I ain't got a penny, not a friend alive I could go to! I couldn't even get me civilian clothes, and supposin' I did get away, I wouldn't know

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where to go or what to do — I been away from the world so long!"

But suspicion, like a slow-burning fire, is difficult to extinguish once it has been aroused. The deputy agreed with all of Old Jack's arguments, but he was taken from the bridge, nevertheless, and put to work within the stifling confinement of prison walls. Every prisoner who heard the story and saw the tired old fellow go about his broken way, blamed John Vogelein.

"That —— of a Vogelein rapped Old Jack just to get his parole," they said. "The filthy squealin' rat! For two cents I'd ——" but Vogelein was safely beyond their fury, wailing and weeping to the prisoners at Number Two Farm about his delayed parole, and receiving nothing but silent contempt.

Conroy finally went out in July of 1930 and Vogelein was to have gone with him. But while the prisoners cursed Conroy for his good fortune, they rejoiced that Vogelein suffered longer from the system he had scraped and grovelled to serve.

While such men as these frequently were victims of convicts' anger, I often thought that they were merely convenient scapegoats which the other men used to heap abuse upon when pent-up resentment over a world of trifling irritations and grievances demanded some outlet. For when there was no such fallen angel about, the convicts would fight ferociously among themselves.

One of the violent affairs I find among the notes of my "quarters" period was the fight between Johnny O'Fallon, an Irish Roman Catholic, and Joe Huffington, an ex-official of Indiana's notorious Ku Klux Klan. Both were working in the hospital, and perhaps O'Fallon learned of Huffington's former connection. At all events, an argument

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arose, and when guards rushed in to pull them apart, O'Fallon had beaten Huffington to a jelly.

The Irishman was said to enjoy a fight for its own sake, after the best traditions of his race, and when he marched to the Hole, he was actually smiling contentedly. It seemed not to bother him that for several days he would live on bread and water, and that Treys, for which he was destined later, had little better to offer.

Treys, I might explain, is the prison term for the third and lowest division of convicts, and most of its regulars are the worst as to violence and depravity in Leavenworth's entire population. They are given an hour and fifteen minutes for exercise each day, and the diet, while less likely to make a man die of starvation than that of the Hole, is barely enough to keep strength and energy alive.

Now in between these three classes of convicts on one hand, and the guards on the other, was the intermediate rank which could be called neither flesh nor fowl nor good red herring. It was the Trusty. That term was an anacronism, for no man in Leavenworth was trusted. During my time there everyone in this group was searched whenever he left or re-entered the prison enclosure. A few of them were prisoners who had lost all their good time, and having nothing to lose, took delight in trying to bring other men to disaster.

To a large group of the inmates they were persons of influence, but more powerful still were those prisoners who, while not trusties, had lost their good time and won some small privileges for themselves or for friends on whose behalf they interceded. Towards these men the guards' tolerance

sometimes went so far as to condone petty thievery, and this singular system worked out to advantage both ways.

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It made the favored convicts big shots in their own eyes and those of their weaker brothers, and with their vanity constantly flattered, they were less likely to become fractious. On the other hand, it made strong allies for the guards in keeping unrest among prisoners from flaring into open rebellion.

All these things I have related were but the first few lessons I learned at Leavenworth. The months which followed became so many semesters in a criminal university where I was shown by word and example how each branch of its sinister curriculum is developed and maintained so that when a man was released he carried with him a Ph.D. in crime.

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## CHAPTER FOUR

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### ONCE THEY WERE MEN

AFTER EIGHT DAYS I went from “quarters” to live in the ward known as H parole, where about one hundred men were housed. Located in the basement beneath Cellhouse A, its outside barred windows commanded a view of the spacious homes of prison royalty — the warden, the deputy warden, the surgeon and the superintendent of farms — surrounded by the front lawn or park.

We were permitted to move freely about the ward until bed time at nine-thirty, but better than this was the comparative cleanliness of the place, for I dreaded vermin far more than anything else within that penitentiary. In H parole room I progressed from the knowledge of prison suicides and murders to that of riots, bootlegging, clandestine banquets, sudden flares of rage which often ended in serious assaults, and the worst of all phases of prison life which I shall now attempt to describe as delicately as possible.

If that much-abused term “man about town” means one who enjoys the fleshpots equally with the finer things of life, I spent many years in earning it. I knew the old segregated vice district of Chicago, “the levee,” the so

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called inferno of sin which had for its reddest beacons the Everleigh Club, Freiburg’s dance hall, Colosimo’s, and annually the First Ward Ball.

Many of my nights were passed in drinking, gambling and bantering with buxom madames in their red-plush and gilded parlors. But time and changing manners left all this behind me. I married, and after that my social life revolved around the entertainment of friends in my own home and being entertained in theirs. Looking back, I felt that I had been everywhere, seen everything, and done about all which the average man-about-town is expected to do, and I held that impression until Leavenworth made me feel like a country yokel staring slack-jawed at his first sight of urban sin.

Some weeks after my entry, I became aware of a certain indefinable social line between groups of inmates. The men with whom I was friendly made little allusion to this invisible barrier. Only at rare intervals was it mentioned, and then in such veiled terms that my curiosity was aroused to the point where I began to observe the convicts more closely. Before long I was fully aware of the whole appalling situation.

This happened with the arrival of a youth, a mere boy, for imprisonment. He seemed to have come direct from a farm, and he had all the bewilderment of a child thrust into strange, frightening surroundings. Within a few days he had become the object of pretended interest and sympathy from felons of such character that they would be avoided in ordinary society even if they had not violated any law.

The boy was showered with presents — silk hose, fancy underwear, food stolen from the kitchen, and best of all, cigarets, the gold standard of prison barter. When the motive of his benefactors began to dawn on him, moving

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him to shrink with fear and disgust, he was threatened and cajoled by turn, and in the end he became a wretched victim of the most vicious circle in Leavenworth's convict population.

By that time the indefinable social line of which I spoke had been drawn between him and the normal element. Yet the outcome of such affairs was a matter of small interest to those of fairly decent tendencies. After all, a man's own misery is more important to him than another's, and each one was expected to solve his problems for himself.

Yet this incident was enough to show me the one terrible charge in the indictment which society is steadily, inexorably drawing against our present penal system. For the first time I knew the full horror of realization at the depths to which human beings can sink, although it was something I would have preferred to ignore. Nevertheless, I could not, for I was in the same boat with hundreds of others, forced into close association day and night with all kind and manner of men. There was nothing we could do, when anything like this occurred (as it did frequently), but look on in silent revulsion. We were so many helpless cogs in a vicious machine clanking along its appointed course, unmindful of the parts which made it go.

One of the most notorious affairs of this kind was that of a convict named Wrenn and his cell-mate in Cellhouse D, known as "Blue-eyed

Johnny.” In time, for some violation of the rules, Wrenn was put in Treys, and when he had served out his punishment, he learned that another convict had taken his place in the cell with Johnny.

There is no privacy or decency in prison and the other inmates played upon his jealousy until it mounted to madness. He sent a warning to the new arrival, but the man sent back a foully contemptuous reply. Furious, Wrenn

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dispatched a message to the boy, asking Johnny to meet him in the shoe shop where Wrenn worked. The youth kept the rendezvous, and when he appeared Wrenn attacked him with a knife, slashing him across the throat, arms, back, chest and legs, and was carried off screaming wildly. Eventually he was sentenced to serve an additional five years in solitary confinement, while his victim made a slow and painful recovery in the prison hospital.

The blame for a system which makes such incidents possible I place squarely upon the Attorney General of the United States of America. I grant him the only reservation to which he is entitled — his probably claimed ignorance of that condition’s existence. Yet I counter with the charge that it is his business to know such things; that he is responsible for his subordinates and for the system which permits, even fosters, the further degradation of men who might prefer to put a limit on how low they choose to fall.

This system could not continue longer than ten days if the high cabinet officer in charge of our federal prisons determined to change it.

After I became aware of the appalling situation, it gave me a measure of satisfaction to recall that twenty-five years before, I had been responsible for the release of one youth from Leavenworth. It came about when some people living in the district which I represented in Congress asked me to intercede on his behalf soon after he had been convicted of desertion from the United States Navy.

The boy had maintained a good record until he returned home on furlough to find his father become an habitual drunkard and his mother scrubbing and washing clothes to support a brood of younger brothers and sisters. Being an expert mechanic he was able to get a job at once; then he bought clothing for the children and sent them back to

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school while he did his best to make a real home for his mother.

Perhaps he failed to realize the seriousness of desertion. At all events, when his furlough expired, he kept on working, making no attempt to hide; but when he failed to report back for duty he was arrested, tried, convicted, and sentenced to Leavenworth.

At that time Leavenworth was just a name to me. Nevertheless I did what I could to win his release. Tired of being put off with vague replies, I went to the White House one day at the end of a cabinet meeting. President Roosevelt did not see house members on such days, I knew, but it was the only way I could be sure of seeing him and the Secretary of the Navy at the same time. Fortunately, they left together, and I lost no time in telling them the favor I sought. "I cannot do these things offhand, Congressman," President Roosevelt said, with a flash of teeth as he grinned at my persistence. "But if you will be patient one month more, I'll see that Secretary Bonepart gets your man out, or paves the way so that I can have him released."

President Roosevelt kept his word. I have never seen the young man for whom I sought his aid; I have no way of knowing whether he is dead or alive today. It is enough for me to know that he was freed from Leavenworth to go back to the mother who needed him far more than the United States Navy in peace time, and that he was removed from the vile influences his youth would have attracted to him in that federal penitentiary.

I write of these things with no personal knowledge of other penal institutions except by hearsay; but I am convinced that the same terrible charge could be made against any prison or reformatory in the land.

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It is silly for men in charge of these places to profess ignorance of conditions about them. It is their solemn duty, not only under the oath of office which most of them take to enforce the law, but also under the bare consideration they owe their human charges, to know what is taking place. They should even know how the minds of their prisoners work, for it is the thought of even an abnormal or subnormal man which directs his actions.

What would prison officials say, I wonder, if a surgeon remarked:

"I think it's appendicitis that troubles this anesthetized man lying before us, but I'm not sure what an appendix is or where it is located, or just where



I must operate to reach it. However, I'll close my eyes and hope for the best."

It is impossible to find any reasonable explanation which authorities can make for their disregard of ordinary decency in prison life. To begin with, the administration rises from the convict subsoil throughout which the guard corps spreads like the myriad branches of a root. Each guard is in close personal contact with his charges — at work, at play, at mess, even after taps. He hears their conversations, sees their actions, witnesses all their daily life. Yet the system for which the high command is entirely responsible forbids him to report unpleasant details of the day's routine.

Officialdom, for reasons of vanity which I can understand in the light of experience as a former public official, resents such things as criticism of itself. The warden of any prison naturally wants to hear that everything is serene; that the guards have been treated with due respect; that the administration's flag had been properly saluted by prisoner and employe alike; that he, in turn, can so report to his superiors, and above all, that neither he nor they will be in danger of newspaper attacks.

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Let me make clear that I have no personal bitterness towards former Warden White or the Attorney General. I wish only to point out that they are parts of the same machine to which each prisoner belongs, and that because of their infinitely greater importance, they bear a proportionate amount of responsibility for prison conditions.

Consider the "Treys" division of Leavenworth prisoners. It usually consists of from forty to ninety men — white, black, yellow — demoted for breaking some rule or regulation. Induction into its ranks is usually preceded by a few days in the Hole, loss of all privileges and segregation from other prisoners even at mess, when Trey-men are seated before the rest move into the hall.

One of the "regulars" during my time in Leavenworth (when I saw him daily, seated on the front mess hall benches) was a berouged, repellent figure whom I shall call Indian Sammy. Before being demoted to Treys he was a prime favorite with some of the hulking brutes who slaved beside him in the kitchen. To most of us he was a leering, mincing thing to be avoided, but to a former client of mine, who was serving five years for violation of some banking law, he was the embodiment of all that is horrifying in life.

This man had enjoyed an ideal family life; he worshipped his children and his grandchildren; his wife he looked upon as all that is beautiful in womanhood. A man of good education and sensitiveness, he was put to work in the kitchen shortly after his arrival. One raw, dismal Sunday — his first in prison — he met me out in the yard during exercise period. His face was ashen, and when I asked how he was getting along, he shook his head and grimaced in disgust.

“Do you know what I saw yesterday?” he finally managed to say. The men with whom we were standing shook

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their heads, and my former client proceeded to describe, with much hesitation and delicate choosing of words, a scene that is altogether unprintable. It was received with roars of ribald laughter.

“Why,” cried one prisoner when he had caught his breath, “that’s Indian Sammy.....”

“Sure,” another interrupted. “Don’t pay no attention to him. He don’t give a damn for you!”

But my friend did mind, exceedingly, and in a short while he was giving fervent thanks over his transfer to a work assignment elsewhere in the prison.

During the months I served on the outer East gate, I became acquainted with an indolent, smooth-cheeked youth still in his teens. He was an army prisoner, sentenced for violating an article of war, and because of his youth and the shortness of his term, he was assigned to my parole room. There he was accepted by the men for what he really was — an unfortunate, half-educated kid, who thought life went on and on forever in a round of cheap entertainment and personal satisfaction. My own reaction to him was that a three-minute whipping would have done him more good than the year’s confinement stretching ahead.

He was no sooner installed in the parole room than two other prisoners, quartered elsewhere, made him the object of their solicitude. One of these contrived to procure his transfer to our room. Yet no one complained or even commented openly; we shared the realization that this was part of the iron system which brought woe to the prisoner who dared speak of such things.

In the end, to our intense relief, the disturber was returned to his original cell, and if some prison official, reading this, indignantly asks why I didn’t

report the affair, I answer: "Simply this, my ex-keeper: I had no desire to be a target for every petty persecution that Jack-in-office

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could invent. My life would have been made miserable in a hundred ways known only to you and to me who have lived together."

Moreover, the word of a convict has little or no weight with the outside world. He has been branded by society as one whose unreliability requires his isolation, and this is a fact upon which officialdom and the public generally seize.

Yet it is futile to deny that a pathological condition such as I saw at Leavenworth is known to the guards. To approve their course in ignoring this grave breach of life's ordinary decencies for the mere sake of administrative peace of mind, is to argue that the corner policeman should ignore the palpable indecency of the neighborhood moron. It is neither ethical, legal nor sensible.

I have lived too long and seen too much to bear animosity towards the unfortunates placed in that group by heredity, environment or personal choice. They are moral cripples, and cruelty, solitary confinement, cannot cure them. There may be a specialized mental treatment; I am not informed on the subject.

Let me urge, however, that these morally twisted men be segregated from their healthy, normal associates. Enlightened medical direction of any institution forbids a sufferer from communicable social diseases to live, work or sleep with his fellow men. Society provides for quarantine, and even forces treatment of such diseases upon itself. Our lawmakers and courts unite in the social decision that such treatments for the afflicted shall in no way be deemed punishment, or segregation be considered as a prison record.

For that reason, the inexorable rule should be this: apply the law of segregation and treatment to the morally as well as to the physically afflicted. This eliminates any political or judicial "fixing" and society, to which you and your children belong, receive the benefit of protection.

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Under the present system, weak youths and men who have become addicted to vicious practices in prison, are released when their sentences expire, to contaminate others in the outside world.

“But how important is the mental health of the convict?” I was asked one time by a friend to whom I had spoken of this question.

“Consider,” I answered, “a system which keeps its charges clothed, sheltered, fed and protected from as minor a physical ailment as the mumps. Yet it ignores the moral serpent constantly poised to strike in every cellhouse in prison. Doesn’t this seem absurd to the point of tragedy?”

I contend that society has incurred another liability each time it turns loose a young man with a healthy body and a mind lost to normal values. The pity of the thing lies in the simplicity with which this problem can be solved. If nothing more were accomplished than to prevent the spread of this evil, it would be well worth the effort. To remove the danger which threatens the immature and menaces every convict with deeper degradation can hardly be called “pampering” criminals.

I can fully appreciate the distaste which such a chapter as this may have inspired for further details. Yet no truthful account of life inside Leavenworth penitentiary could omit these facts. Therefore let me repeat the statement I made some pages back: the United States Attorney General has no logical loophole through which to evade his responsibility in the matter.

Let him use his high office to stamp out, or at least check, a foul and ever-widening stain on our social body, even upon civilization itself. He will do the country that honors him incalculable good and he will merit the gratitude of every father and mother in America.

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## CHAPTER FIVE

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### MY FIRST RIOT

AFTER I was assigned to live in H parole, I was put to work for the Record Clerk in his office, handling all records pertaining to prisoners. Their histories, letters and written communications to the warden passed through my hands and it was interesting to see which ones sought favor in the eyes of the warden or the Department of Justice by offering to give information against men inside or outside the prison.

This job, however, was not of my seeking. I had begged for a place washing dishes in the guards' mess kitchen, hoping for a chance to get decent, unspoiled food. But when I asked bluntly for the place, the man who assigned the prisoners to their work shook his head.

"No," he said, a thin smile widening his lips, "your parole room would get more food than the guards. Ha! I know you fellows! Nope, I guess you'll be more useful in the record clerk's office."

Now the entrance to that department overlooked the mess hall, and from that vantage point I saw my first prison riot, August 2, 1929. Consulting my notes made stealthily on scraps of paper at dawn of a later day, I read:

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"The newspapers said it was caused by overcrowding, but every man and guard and official knows it was caused by bad food, nothing else. The main dish was macaroni, a soggy, glutinous, unseasoned starch, sickening to see and to taste. On the dirty tin plates it was enough to nauseate the men. On Thursday as it was served, there was a murmur, a warning rumble of the storm to come. Many refused to eat; a few threw down their tin plates, but there was no pre-arranged signal for the uprising."

The scene that August noontide moved swiftly to terrifying dimensions. After the men had balked at the macaroni, they were served later in the day with a dish listed on the menu as Spanish rice. Cooked as I have eaten it in New Orleans, it is delicious; there in prison it was mixed with all the left-

over vegetables of many past meals, swimming in grease — at least half a pint of grease to every portion.

There was no prearranged signal; yet suddenly sixteen hundred men burst into an amazing roar, stampeded to the kitchen, yelling with the pent-up rage of months. They overturned cauldrons, threw crates of eggs to the floor, pulled pots and pans from the walls and pantries and hurled them about until the din was enough to wake the dead.

Officials charged back and forth, struggling to herd the prisoners into some semblance of order. After a time they succeeded in backing them out into the corridor where they milled around bellowing like maddened cattle.

In the midst of this uproar, Warden White appeared with Captain Carney at his side. It is significant that no attempt was made to harm those high officials, neither of whom concerned himself, apparently, with the thought of personal danger. Warden White tried to talk the men into obedience, but at length he saw that no words of his could

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improve the quality of that macaroni or Spanish rice, and he ended by appealing to Red Radinsky.

Radinsky was doing a long sentence for mail robbery and years before had forfeited all the time allowed off a prison sentence for good behavior, by an escape nailed up in a box. Coarse, red-faced, a mat of carrot hair covering his bullet head, he looked like nothing so much as a gorilla swaggering and defying the world in its savage delight at being able to speak the human tongue.

He had a great following among the prisoners who feared him (although others detested him for certain vicious habits of which he boasted openly), and in appealing to Red to use his influence in dispersing the rioters, Warden White sought a powerful ally. Radinsky, however, was cunning enough to realize that were he to do as the warden asked, his reputation as a “stand-up guy” would be destroyed forever.

The prison locksmith’s shop where he worked faced the deputy warden’s private office, and he had enjoyed some favor with that official. It was not uncommon for him to show his influence by shouldering past the clerks and secretaries, pushing into the deputy’s office and asking some favor for himself or a friend. But despite these considerations, he now refused to aid the warden, and at his surly shake of the head, hell broke out afresh.

The responsibility for the new outbreak I place on the guards, because if some of them had not raised their loaded canes to force the men back into their cells, a twelve-year-old boy could have subdued that unorganized mob. Warden White, however, sent for riot guns.

As the prisoners retreated along the cellhouse galleries, some hysterical fool fired a shot, and its spark touched off the villainous urge to destroy that was latent in every one of those convicts. The noise became terrific. Men tore

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down brass rails and threw them into the corridor. Big brass balls, surmounting the top of each rail section along the galleries, were wrenched from their places; every electric light was smashed; the men even tore out toilets from their cells.

Then someone found a hose and turned it on, flooding the place with water. That action only spurred the convicts to greater frenzy. Cans and bottles went hurtling through the air, windows were smashed, voices no longer human bellowed and howled until the bedlam was maddening.

By that time the guards had started threatening death with their guns; the men were then beyond control through any other means. Before that steely menace, however, the uproar began to subside as waves recede from the shore at ebb tide. Moreover, nothing was left to break; murderous rage had vented itself upon inanimate objects, and little by little, calm succeeded the pandemonium that had prevailed.

When quiet finally was restored, the prison's entire complement of guards went among the men seeking some who might be sacrificed as ringleaders to the god of discipline. Fifty or more prisoners were picked at random, manacled and later strung up by their hands to the cell bars. Solitary and Treys were filled, and the majority of convicts were locked up from Thursday night until Sunday morning without food. On Sunday morning guards went around distributing hunks of bologna sausage and the tasteless coffee known as prison mud with which the suffering men broke their fast.

This, however, was not deemed enough. In spite of the fact that the prisoners had harmed no living creature, guards strode about with their guns cocked and when convict Mike Martinex went to fetch some cigarettes from another cell, a guard shot him dead. Another prisoner,

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whose name I did not learn, ventured out on a similar errand, and had his leg shot off.

I want to make clear above all that at no time was there any excuse for such bloodshed. Even the guards had sense enough not to shoot while the men were rioting about the mess hall and kitchen. If they had, there would have been a more violent story to tell. But like all other prison rebellions, this one gradually faded into gray silence, as some prehistoric city, filled with life and color, fades before the jungle's shadow of living death.

Yet the incident should have made plain to prison officials that good food, next to liberty, is the average convict's greatest craving. On it depends the behavior of prison populations. At Leavenworth, supplies were brought in fresh and of good quality, but meats and other edibles were ruined in the kitchen, a place of indescribable filth. I know this to be true because, while I never worked there, I frequently had occasion to enter the place, and I came to know many of the men assigned to work in it. Sometimes a whole side of beef or a tub of butter disappeared under the guard's very eyes, and incredible as it may seem, prisoners even managed to cook food in their cells as well as to distill liquor about the grounds.

The paramount question of edible food was one of the things that bred the prison system of favoritism. The corner stone of the foundation was, of course, the almighty dollar.

Titus Haffa, an ex-alderman and political leader from Chicago's north side, who arrived via the liquor conspiracy route, was one of the favored few in Leavenworth. He had plenty of money to spend, and after being assigned to work as clerk in the boiler house he made financial connections with kitchen employes through whom it was possible to buy food before it had been spoiled. This later was

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cooked in his parole dormitory, while guards winked at the violation. As I say, Haffa had money, but the day of his eventual downfall speedily arrived.

In the crowd of rich convicts to which he belonged was Albert Rohan, a Texan and chief convict clerk of the record office, who was serving twenty-five years for mail robbery. When I knew him, he had held that office for eight long years. In that time he had come to exercise a certain amount of influence, but in Lieut. Krantz he met more than his match. As things



transpired, the lieutenant used Haffa for an object lesson to Rohan, and the Texan was intelligent enough to heed the warning.

Lieut. Krautz was prompted to this action by the insolence of a convict named Hayden, one of Rohan's followers, who sought to leave the yard during exercise period one Sunday to return to the parole room. Guard Damen halted Hayden, because such liberty was strictly forbidden.

Hayden protested angrily. He tried to argue, and when Guard Damen remained firm he became insolent. It did no good, however, and he finally swaggered back into the yard.

"We'll see about this!" he sneered, looking back over his shoulder.

Damen promptly related the incident to Lieut. Krautz who told him to have Hayden reported for insolence and insubordination. Meantime, the prisoner had told Rohan all about his argument, and Rohan sought out the lieutenant to intercede on his toady's behalf. Krautz at length consented to overlook the matter, sensing that the affair might become a political issue in the prison. He had seen the system work before and he realized that some convicts have long wires to pull. Yet he bided his time, and when he did strike, Haffa, Rohan's crony, was the target. The next afternoon brought him his chance. Haffa passed the lieutenant when he was hurrying towards the

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parole room and Krautz noticed that the man's girth was unusually large.

"Wait a minute," Haffa heard the officer command. He obeyed and Lieut. Krautz continued: "Step into the deputy's office and let's see what you have there under your coat".

In the office Haffa reluctantly produced six large steaks and a big pie.

"Where are you cooking?"

"In H parole," said Haffa.

"Who has the stove?"

"It belongs to Gill."

Gill was chief orderly in H parole where Haffa and Rohan lived, and where I had been assigned for a time. Haffa related how Gill had obtained one of the makeshift stoves, fashioned by the prison electrician from a flat metal surface, such as the top of a tin breadbox, and strung beneath with an electric coil so that it could be plugged into the socket of a light for cooking. Whenever this was done, all the convicts sprayed the air furiously

with talcum powder or other scented things, to smother the smell of cooking.

Krantz dismissed the former alderman but before Haffa returned to his parole room, everyone knew he had broken the prisoner's code — he had talked. Immediately, from being a big shot, he became an object for ridicule and contempt, and not long thereafter he eagerly embraced a chance to join the Fort Riley road camp.

From that time on, however, Rohan took pains to see that none of his followers started a clash with Lieut. Krautz.

Home brew was made about the prison in quantities, despite the sure knowledge that it meant the Hole for anyone caught either making or drinking it. Again and

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again convicts contrived to outwit the guards, but invariably they were caught and punished. Nevertheless, the supply of alcohol continued. Turpin hydrate spiked with ipecac, chloroform, lemon extract and other alcoholic fluids were the commonest drinks, although once in a while some crafty genius produced a quantity of raw, powerful wine.

One day, shortly after I was released from “quarters,” I saw a man brought in from the brick yard. His knees put Leon Errol's to shame; they curved and wavered, they seemed to be utterly without bones, and only the powerful hand of a guard in his armpit kept the man upright. I was as much amused as surprised at the sight, and when they passed the spot where I stood, the convict waggled his head until his bleary eyes focused somewhere near those of the guard. He seemed to strive for some measure of dignity, too, as he hicooughed:

“Shay, Cap'n — h-hope y'ain' gonna make a heel o' y'rself 'n' put me innat Hole! Hunh?”

But that was where he went, to spend the next few days in remorse, not over his drinking proclivities, but at having been found out.

The first night I spent in H parole where Rohan and Haffa ruled, I resolved to go along minding my own business; to be content to submerge myself in the gray mass of nonentities and patiently await the day of my liberation. But I reckoned without my ward mates, particularly Newt Thompson, one of the convicts who dined with Rohan every evening, cooked and cleaned for him, and kept jealous watch that no one detracted in any respect from the importance of their clique.

Lest the incident I am about to relate seem trivial to men with the interests of the outside world to engross their attention, let me stress once again the point that trivialities are the only things left a convict by society. Incidents that

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would be ignored become in prison momentous questions. A careless glance or an unconscious smile may underlie the most insane violence with the victim unaware that he had given offense.

Thompson worked in the guards' barber shop, and by reason of his daily contact with prison officials, he professed to have inside information about their activities. Nightly he broadcast his special knowledge until some of the men withdrew from his audience in disgust. A few played checkers or dominoes, others lounged around someone's bunk, while the rest sought seclusion and tried to read or worked on beaded bags.

My bunk, about midway down the line, had become a gathering place for a pretty fair crowd of men. There was Jack Gordon, a Texan of genial personality, and average intelligence. Another was Lee Turner, one of the Egan gang of St. Louis, popularly called in the newspapers "Egan's Rats;" still another was Ed Cotter, a newspaperman from southern Illinois. There were others that made the group an outstanding one from the standpoint of give-and-take prison raillery and goodnatured horseplay.

In this simple, primitive way prison cliques are formed and grow permanent, always breeding distrust and hatred among the prisoners. It was out of this situation that my clash with Newt Thompson took form and grew to a climax that may astonish the citizen ignorant of such conditions in life.

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## CHAPTER SIX

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### PRISON ANIMOSITIES

WHenever I told a tale of my Paris trip, Newt Thompson became acutely annoyed. No matter how impressively Rohan or any of his crowd was holding forth on some matter of prison gossip, Thompson would move to a point where he could hear what our clique was talking about. Like the others under the influence of prison life, I wanted to annoy him further, and one night, seeing him approach furtively, I started telling the boys of the time I met King Alphonso of Spain.

“Caruso was in Paris at the same time,” I said, “and Big Tim Sullivan introduced me to him as we met outside the Cafe de la Rue near the Madeleine.”

“Cut out them frog names — what’s it to us?” Gordon joshed mildly. “Or do you wanna show off?”

This brought a sardonic chuckle from the listening Thompson, but when Gordon heard it, in defense of our own group he grew serious and was all attention.

“Go on, Wharton, I was only kidding a little bit,” he apologized.

“Well, as I say, Tim introduced me to Caruso there on the boulevard,” I continued evenly, “and a few nights later I ran into him again when I took a girl named

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Frances Radford to a night club. She was from New York and she was pretty good looking, and before the evening was over Caruso was taking us over to the King’s table.

“Alphonso bowed slightly and shook hands with us. I drew a chair alongside of his, and what with the champagne and feeling pretty high and all that, I told him how Tim kidnaped me and then I asked him if he didn’t want a good man around the Court ——”

“Now there’s a guy who needed one,” grinned Cotter.

“But he didn’t know it then. He turned me down cold.

But he was a good sport and laughed, and Frances and I began to dance.

“Now a man named Bamberger — a movie man — was along that night. He was, sort of crazy over Frances and he hung around hoping I’d go home. It didn’t make me any more popular with him, either, when I started calling him Limberger and Liederkrantz, but in the end I out-stayed him, because I didn’t have any wife sitting up like he did and so it was with me that Frances went home.

“She lived in the grand manner, with a car and a chauffeur and a footman, but she was wild about gambling. She was always in debt; she lost fortunes in the Paris gambling clubs, and she was nearly always desperate for money.

“When we reached her apartment I saw that she had a shrine at one end of the parlor, all draped with black velvet and the minute she got in the door she ran over to it and opened the Bible and started to pray. I was kind of suspicious about that little act, and while Frances was putting it on, I tiptoed over and looked across her shoulder. The Bible was upside down —”

“Hah! Some neat little racket babe!” laughed Gordon. “I suppose that was to set you loose from a contribution, huh?”

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“Well, Frances saw in a hurry that it didn’t work, and she was a good enough sport to smile. I wasn’t fooled by that accent of hers either. She really spoke seven languages, and she liked to pretend that she was a Russian —”

“Was she a looker?”

“A knockout, Jack! I went about with her as much as I could afford, and I was with her the second time I met the King — at a place called Pigalle’s — another night club. We got in with the party of a Turkish pasha, a pretty rich old fellow who made his fortune in the rug business. His girl friend at the time was a Spanish woman, a real beauty, too.

“She hooked on to him three days before, and they had been going ever since. He gave her a magnificent diamond ring for helping him think he was a passionate pasha, but to me he was just a goofy old rugamuffin.

“Well, along about dawn, we all climbed into taxis and drove out to the Pre Catalan for some fresh milk, and that just about washed up the Turk.

When we got back to Paris it was ten o'clock in the morning, and he was snoring like a flock of foghorns.

"We reached the Spaniard's place first, but before I could get her rugamuffin awake, she jumped out of the car and ran in the house, and we had to cart him out to his hotel.

"I slipped into my hotel rooms quietly, to avoid Tim, because he hadn't seen me for two days, and I knew he might be sore. Besides Frances and I had another date that night, and I had to borrow fifty dollars against my hotel bill before he found out about it. So I had a bath and went to bed, and about nine o'clock that night, Frances and I went out to dinner at the same spot where Caruso had introduced us to the king.

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"The first one I saw was Bamberger, the movie man, and the look on his face didn't mean any good for me. He was sore about the way I kidded him and the way I outstayed him the other time, and it wasn't long before he got even.

"You see, they had a floor show there with a Nubian dancer as the star. I used to josh around with her at odd moments, after she did her stuff with nothing on but a smile and a few beads strung where they'd do the most good, and so this night, when her act was ended, Bamberger sent for her and said I wanted to see her.

"She flashed a lot of teeth, and pretty soon there she was, standing at my elbow with just a lion skin about her middle and a strip of chiffon for a shawl. 'Hello, Congressmans Sharle!' she said. Well, Frances took a look, and Bamberger couldn't have done any better if he had dropped a bottle of nitroglycerine on the table. There was a thundering interlude of silence, and when the air cleared away, I had lost Frances and the Nubian, too."

"Ole good-time Charlie himself!" roared Cotter doubling over with laughter. "Gets himself a couple of babes and can't hold onto either of 'em \_\_\_,"

I glanced swiftly at Thompson and saw that he was scowling at the tips of his shoes. It was plain that he wanted to interrupt me, but the man was not quick at phrases, and he probably was searching for the most insulting combination of words. Rohan, meanwhile, had become annoyed at his forsaking the ranks, and he called to him sharply.

"C'mere Newt! Help the boys clean up!"

That relieved Thompson of any further mental efforts, and he turned to obey his master's voice with a high-powered sneer at me. I looked at him indifferently and kept on with my story as though I had not seen him.

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"When I got back to the lobby of the hotel, I ran squarely into Tim. He glowered down at me and jerked a thumb towards the elevator. I felt like a six-year-old kid getting his ears boxed in front of a roomful of people, and Tim came marching along behind me every step of the way till I got to my room. Then he slammed the door and turned to me. 'Say! Where y'been?'

"I told him I'd spent the time looking over the town. 'Wherja get d' money!' I said I'd borrowed it. 'Who from an' how much?' he wanted to know, so I sat down and figured that I owed Jimmy Hatton a hundred, another hundred to Nell Henry, wife of the jockey, Milton Henry, and fifty against my hotel room.

"Tim started walking up and down the room, then he came to a dead halt in front of me. 'Jeest!' he roared. 'You must think I'm y'r father! Is there any more?' 'Yes, Tim,' I said, 'that little doll I met — Mlle. Baldini.'

"Tim shook his head and then he drew up a chair facing me and started to thump a big finger against my knee. 'I know what I'm gonna do wit' you!' he said, keeping up the heavy tattoo. 'I'm gonna buy you that New York Bar that Milton Henry owns. Nell wants to get rid of it and I can have it cheap. I'll buy that for you — that's your speed. Why, you ain't nothing but a ———. Ever since you come over here you been talkin' wit' y'r hands, an' you got a slew of girls already!

"'For all I knew these coupla last days you mighta been in the river —' I started trying to get a word in edgewise, but he held up his hand. 'Never mind the blarney,' he said. 'I'll give you the price an' you can either buy the New York Bar or do what you want wit' it —'

"Well, the cafe was a sweet little spot, prettily furnished, and it drew all the American crowd in Paris. But I wasn't socially ambitious enough to quit being a Chicago

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lawyer and become a Paris bartender, so the deal fell through. After he got over his temper, Tim paid my bills." "One white guy, I call him," said Gordon. "He treated you like you might have been his own son." "Tim was that way with everyone he liked," I replied. "When they made him they

broke the mould.” “Well, it sure makes a swell little bedtime story,” Lee Turner laughed. “Hope Mr. Thompson enjoyed it.”

I looked down the ward where Rohan and his crowd held forth, but they were deep in whispered conversation. Rohan happened to glance up and caught my eye, and at once he raised his voice so that I could hear him make some remark about a prisoner who had been discharged. It was done so quickly that I had a suspicion that they had been talking about me, but I gave no sign because it wasn’t wise to invite any argument, no matter how slight. The next evening, however, my guess seemed to be borne out when my own crowd had gathered again for a talk after evening mess. Thompson, as usual, contrived to hover about the outskirts of the group.

We were speaking about the government’s new quarters in Fort Leavenworth nearby where the 1,600 narcotic addicts were to be segregated. Short as my stay in prison then had been, I had seen much of the appalling power of drugs — especially cocaine and heroin — and the plans under way interested me.

“How they get it in beats me,” said Cotter. “It’s a battle of wits between the officials and the junkers — one of them trying to find out how the stuff comes through and the other cooking up new ways as soon as the old ones are discovered.”

“Yeh,” said Turner, “an’ you can’t trust them hop-heads. They’d squeal against their own mothers for a shot.

But you sure know when a ‘bundle’ gets in to them.”

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What Turner said was true; only a blind man could have been unaware of the quivering alertness, the electric tension of men whose perception was abnormally sharpened by their craving. This phase quickly gave way to an unnatural vivacity among the addicts that lasted as long as their supply held out.

“You know,” you continued Turner, “them guys has funny way of takin’ a shot. They got to get it quick an’ strong, so they take a ‘main line bhang’ though it don’t stay with ’em as long as the other way.”

What’ a bhang?” someone asked; Turner explained:

Well, bhang is what they call some kind of junk made out of East Indian hasheesh. They shoot it in the vein where it’ll reach the heart real fast, an’ that’s when you see ’em smilin’ at you with them glittery eyes. Agh!



Junkers!” he spat in disgust, “I wouldn’t trust none of ’em; the guards don’t neither.”

“I’ll be glad when they’re over at the Fort” Gordon remarked. “Only today I heard one of ’em say, ‘My ship’s in, and you didn’t have to take a second look at him to know it. He sure was hopped up.’”

“Well,” said Cotter, “I guess they ought to be out of here soon.”

Thompson decided that this was the opening he wanted and he broke in:

“Listen — I know all about it! They begin transferrin’ them Junkers the first of next week.”

Nobody seemed much impressed at his statement and it plainly nettled him. Cotter asked me what I thought, and I gave it as my guess that the new organization with its own kitchen, laundry, mess hall, guards and other personnel, could not be ready for thirty days — a surmise that later proved correct. To Thompson, however, this was a challenge, and he directed his next remark to me.

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“So that’s what you think, is it?”

“It’s only my personal opinion.”

“That so!” he retorted. “An’ when I tell you I got it confidentially from the captain that they move next week, you still think you know more’n him!”

As I have said prison life breeds short tempers, but I managed to hold mine in check long enough to answer:

“You and the captain may be right. I still think it will take thirty days.”

“Gee, you’re a smart guy, ain’t you? Know all about the penitentiaries, huh?” he began, his little eyes mere slits in his face. My irritation at his manner suddenly overcame the judgment that told me to ignore him, and I snapped:

“Listen, Thompson, so far as I know, no one here gives a damn what you think, and we don’t want your opinion on that or anything else. Suppose you get back to your own crowd — maybe they can appreciate you.”

During this brief exchange the ward had grown silent, watchful. Men put down their books and work and sauntered over, determined to miss no excitement. Those around me who were my friends openly grinned at Thompson’s discomfiture, and seeing their amusement, his face turned from a bright red to purple.

“Say, you!” he yelled. “If you wasn’t so old I’d punch your jaw for you!”

He looked eager to do it, but while I didn’t yearn for a battered jaw, there was something about him that told me this blustering was more for the benefit of our audience. So I sat up on the cot, resolved to match bluff with bluff.

“Don’t let my age spoil any good resolution,” I said, staring him in the eye. Again the crowd snickered, and the sound lashed him into a torrent of curses and vile language. His words made me tremble with rage, for no one had ever

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dared to speak to me in that manner before, and tossing all caution to the winds, I shouted:

“Shut that dirty mouth of yours, Thompson, and get out of here! If you bat an eye I’ll cut you wide open —”

The words were hardly out of my mouth before I realized my error. They filled Thompson with unholy delight and he grinned at me nastily.

“Wait,” he mocked. “I’ll get you a knife.”

I saw I had to go through with a desperate bluff, and as I slipped a hand under my blouse, I prayed fervently it would work.

“Don’t bother,” I said fiercely. “I’ve got one here that will do the trick.”

With that I saw Lee Turner slip away through the ring of men around us. Thompson noticed it too, and it broke the tension, for Turner was known to be a hard man with his fists, unafraid, and a staunch friend of mine.

The combination of that mysterious disappearance and my wholly imaginary knife proved too much for Rohan’s toady. He started to back away through the crowd, striving to keep his contemptuous grin in place, but he was beaten; he knew it and he knew that everyone else knew it. I had made a dangerous enemy.

Later I learned what had prompted Turner to vanish. He had been in prison five years and realized what I was up, against, and he saw that the minute a fight started, Thompson’s friends would come to his aid. Lee was bound to see that I didn’t get the worst of it, so he had sought a point of vantage where he could give me the greatest aid in case a brawl began. Moreover, he wanted to stop any cutting (since he really believed I possessed a knife) and thereby save me from a long extension of sentence.

“Listen, Wharton,” he concluded earnestly, “watch yourself pretty close. Remember Rohan’s in your office

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and him and Thompson are both out to get you from now on.”

The accuracy of his prediction came home to me a few days afterward when Jack Gordon started complaining in loud, indignant tones.

“Say, what do you know!” he exclaimed. “Some ——— has copped four new pairs of silk socks that I never even took the band off of.”

There has been some thieving going on in the room for quite a while, because no man could keep his possessions under lock and key, but recalling Turner’s warning, I had a sudden hunch. Going over to my clothes press, I opened a box that contained some white sox, and there, neatly packed between them, was a pair of brand new black ones. At once I motioned to Gordon and Turner.

“Say, Jack!” I called. “Take a look at these socks here, will you?”

He came over and took one swift, narrowing glance. “Well,” he cried softly, raising his eyes to mine, “wh’d’ya think of that — framed! It’s sure a lucky thing you found them before the man who planted them there fingered you as a thief!”

I heartily agreed, for beyond a doubt the frameup would have gone through the next day, leaving me helpless to explain.

Next morning I went to work in the Record Clerk’s office as if nothing had happened, but all the while that I bent over my desk I could feel Rohan’s malevolent eyes upon me. I knew he was aware that the frameup had been thwarted, and in the same moment I knew that we would never be friends, because it was not in me to become one of his toadies, and he looked upon me as an enemy because my friends unwittingly stole some of his importance away by forming a clique of their own.

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## CHAPTER SEVEN

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### THE CONVICT KING

IN SPITE of his dislike for me, Albert Rohan was a good influence in Leavenworth penitentiary. He had had a remarkable career, and aside from the trait (shared by countless respectable citizens outside of prison) which led him to hate anyone detracting from his importance, he was something of a prison Santa Claus.

When talking picture entertainment was first suggested he contributed five hundred dollars towards the fund, adding, "I'll make it a thousand if you need it." When the radio fund was collected, he had made a large donation besides buying thirty or forty head sets for many of his followers in H parole who were too poor to afford them.

A prisoner named Ben Looney was one of Rohan's staunchest supporters, and when he was released, Rohan sought Warden White's permission to send the man a thousand dollars. He also wanted to send money to Newt Thompson some time after Thompson was discharged from Leavenworth, to defray the cost of Thompson's appeal from a ten-year sentence to San Quentin imposed on him a few months later in California. Outside prison, this is called philanthropy, and many worse men than Rohan have practiced it to the fulsome praise of their fellow citizens.

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In addition to the twenty-five year term for mail robbery, he had received from the federal court in Texas, Rohan had been sentenced to fifty years by a state court for a killing which took place during the robbery, but this was wiped out by the famous Ma Ferguson, I was told, with a pardon during her term as Governor.

Rohan never saw a convict buried in "Peckerwood Hill" the prison cemetery, when it was a question of obtaining money to pay for a burial outside the reservation. He was charitable and open-handed, even lavish in his donations of money towards things which would benefit the prisoners,

and in his personal relations with the men he won countless admirers by providing such luxuries as cigarets, canned food and other articles they could not buy for themselves.

Some time before I knew him, his generosity caused bitter embarrassment to the prison authorities and loud amusement to the convicts, although the consequences were unforeseen by Rohan himself. It came about through a long, lean, sad-faced hill-billy from Arkansas, serving time for something or other, and working outside the walls.

During one visitors' day, his thin, work-ridden wife, loyal to her man, appeared with their five or six small children. They made such a picture of poverty and misery after they were reunited in the visiting room that it touched a chord of compassion in the most callous beholder.

Rohan happened to see them, so woe-begone and utterly helpless, and feeling that they were desperately in need of money, he sought permission to give the bedraggled little wife a present of fifty dollars. The warden granted it at once, and when Rohan presented the money, the prisoner and his family were overwhelmed with delight. Awkwardly they tried to express their gratitude, but he backed out with a smile and a casual flip of the hand

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while the guards looked the other way in this moment of rare embarrassment.

Finally the family took leave of their Pappy and he went back to work at the farm. Nothing more was thought of the incident until that night when Pappy was nowhere to be found. All night and all the next day they searched for him, but he might have vanished into thin air for all the traces they found.

In the end someone went to town to make a few inquiries, and the information he gathered there startled the prison from top to bottom. This poor, simple, shy little wife and her skinny brood had rushed to town with Rohan's fifty dollars, bought an old Ford car, climbed aboard and rushed back to rescue Pappy who was a Trusty at Number Two farm. How she contrived to elude the vigilance of the guards nobody knew, but from that day to this neither hide nor hair of them has ever been seen.

"Jeeze!" chuckled the prisoner who told me the tale. "She didn't on'y take him off, but she got the money out of Leavenworth. Wasn't she the great one, though?" And that was about the average reaction to this determined little woman's coup.

It was stories such as these which made Rohan a kind of demi-god with the other prisoners. I liked the man very much, but I also knew he was bent on making me bow to him or breaking me, and I avoided him in the parole room as well as in the office where we worked together.

Here, incidentally, I saw still another phase of the harsh prison life, and while our reactions were the same it brought us no closer together. One day, shortly after the Thompson incident, Rohan and I were working at our desks when a woman arrived towards noon, accompanied by a real estate agent.

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“We wired our folks we’d be here today,” she told the civilian secretary. Her manner was apologetic, her voice faint with timidity, but the official bristled and glared at her in outrage.

“Oh, did you!” he snapped. “Well, it isn’t what you want or what they want, it’s what WE want that counts around here! You should have consulted us about being allowed to make your visit.”

Then he launched into a tirade of abuse at her effrontery in annoying him about a mere visit to prisoners, and the poor woman, shaking with nervousness, finally burst into tears.

The secretary was technically right in his statement that she should have arranged her call through the authorities; yet he could have explained this to her in a courteous, gentle manner and thus spared her further anguish. Everyone who heard his outburst, including Rohan, the convict clerks, and myself muttered with indignation and that night we unleashed our feelings in language that scorched the very air.

I, myself, was the butt of this same man’s unreasonable rage on two occasions, once when I approached him to arrange details about a “First Friend” on my parole application, and again when I asked him to witness my signature to a power of attorney which I intended to send my counsel at Washington. Each time it was a needlessly painful and humiliating interview.

Prison gossip had it that he had been a parole officer at Leavenworth for twenty years before he attained his secretaryship. The convicts described him as an ally of former Warden Biddle, who during my term was connected with a Leavenworth newspaper. It was said that he supplied Biddle with inside information on prison conditions, but whether or not this was true, I shared the other

convicts' loathing for him as for the crawling, horrible things that swarmed over our beds at night.

H parole was the cleanest ward in the prison, but the vermin in other sections where I lived nearly drove me insane. It was one of the most disgusting aspects of prison life, though one of the most easily corrected, and in my notes I find this hastily scribbled protest:

"August 12, 1930: (In Number One Parole.) Bedbugs everywhere. I must have killed a dozen last night in my sleep. The sheet is smeared with blood. As I write, two of the filthy things crawled over the table top and scuttled for cover."

But not only were the cots in unspeakable condition, the halls and the walls were as well, sleazy, grimy and flyspecked. One official had a painter begin to clean our parole room, but another officer stopped him, rightly arguing that the other men might be envious of our cleanliness and cause trouble.

The mess hall was particularly awful. Slabs of marble lined its walls to a height of seven feet, yet the beauty of the stone was buried beneath greasy gray dirt. The American eagle in the Department of Justice emblem surmounting the door of the visitors' gallery looked more like a mudflecked buzzard hanging his head in shame. Someone painted the doorway a pleasant cream color one day, but the attempt at cleanliness halted there. Nevertheless, the mess hall would have been a handsome room had it been kept clean.

"Say, why don't they use whitewash?" said a man in my parole room one night. "The government manages to whitewash its favorites — can't they spare us a little bit instead of paint once in fifty years!"

At that time Leavenworth had hundreds of idle convicts; there was not enough work, it was said, to keep them

busy. Yet three hundred men could have been employed continually in keeping the mess hall and the parole rooms clean. As it was, those places were infested with flies, insects and vermin of every description, and the cells were far, far worse.

After my quarrel with Newt Thompson, I had contrived to be transferred to parole room Number One, away from his dangerous hatred, although I

remained at work with Rohan in the record clerk's office. This only lasted until the first of October, however, and then I was sent out to the chicken ranch about three city blocks distant from the walls where I became one of eleven men who tended 4,500 chickens. We left the prison about five every morning and did not return until half-past seven at night.

Out at the ranch I enjoyed a good deal more liberty than I had ever imagined possible in prison life. We were not permitted to buy fresh meats, coffee, eggs or chickens, but that was no hardship, for we had plenty of fresh eggs right out of the nests, and before long we had devised a way to barter eggs and fat young capons for juicy tenderloins and other forbidden luxuries.

Our market was the genial Mr. Blank, cook to the civilian chief clerk of the prison, who lived with his family and convict servants a half-mile away at the edge of town. He could get steaks from the prison butcher whenever he ordered them, as well as canned goods and other groceries we were not supposed to have. It can be seen then, that we profited from these exchanges quite as much as Mr. Blank.

The first of our transactions took place under cover of dusk on a raw, dreary day. Henry Manfredini and I, acting for the ranch hands, made our way to his garage where a gunnysack full of coveted supplies was ready for us. Henry eyed the load with some misgiving, realizing as did I that were some guard to discover us carrying it back, we

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stood an excellent chance of visiting the Hole for several days besides losing our good time and our jobs at the ranch. Moreover we would be transferred from the parole rooms where we slept to cellhouses where life was more restricted, and put to work inside the walls.

"Tell you what we'll do," I said finally, swinging the sack over my shoulder. "We'll strike out over into the reservation and then cut back obliquely so we can cross the road right opposite the ranch." Henry nodded dubiously and I managed a shadow of a grin.

"Well, here goes," I added. "We'll have a nice steak on the fire in thirty minutes."

"Yeh," snickered Manfredini. "If we're not both in the Hole."

To our unspeakable relief we reached the ranch house taking alternate turns at carrying the gunnysack, but not without some moments of fearful panic. The worst one came just as we were climbing over a fence across the



road from the ranch, and I saw Henry suddenly stiffen after he had looked warily about.

“Holy Mary and Joseph!” he whispered hoarsely. Here comes a guard!”

Alarmed, I followed his gaze towards the East Gate and dimly beheld the outlines of a man’s figure silhouetted against the gloomy horizon.

“Run for it!” I cried as softly as I could, and if ever the record for short distance sprinting was broken, the honor belongs to Manfredini and Wharton.

We dashed across the road, wheeled around the ranch house and dived through the back entrance. Once inside, the door securely locked behind us, we stood panting with fright and exertion, while rivers of sweat poured over our bodies.

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Some moments later the man whom we had feared passed by the window, and after the first terrified glance we collapsed in laughter of relief that was close to hysterics. He was not a guard we saw plainly, and to celebrate our success I cooked a fine steak with the proper trimmings and we enjoyed it in all the guilty exultation of schoolboys outwitting an unpopular master. After that night it was always good for a laugh when anyone would say:

“Come on, Henry. Let’s go down to Blank’s garage.”

Manfredini, however, had no yellow in his makeup and was blessed with a sunny disposition that proved to be an impregnable armor against the prison’s poisonous influences. When he arrived in Leavenworth he had been put to work as a trusty at the prison dumping grounds, and after the cold weather set in, he took to spending his evenings at the chicken ranch between his runs out to the dump to await visits from the prison garbage wagons. When a vacancy finally occurred in our ranks, Henry was chosen to fill it. This satisfied everyone, particularly myself, since I was cook for the gang and Manfredini could be depended upon not to mention our clandestine feasts.

He hailed from Herrin in bloody Williamson County, Illinois, where feuds, Kluxers, riots, massacres, strikes and crime won it country-wide notoriety. It was the stronghold for years of the Berger and Shelton gangs; it was the domain of hated Arlie Boswell, and there the bootleggers held forth with as open defiance of the law as any moonshiner in the Kentucky mountains.

Manfredini at length was caught in the dry net. He was married, his family were respected and in comfortable financial circumstances, and Henry could have gone scott free he told me had he testified for the government against

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his co-defendants. But he refused, and that was how we came to meet at Leavenworth.

His case, incidentally, offers an excellent example of the Parole Board's repeated denial of parole as a whip to enforce payment of fines. Manfredini had been fined \$10,000 in addition to his two-year sentence, and when he first came up for parole, the Board inquired if he could pay. When he said no they continued his case until their next session months away. At that later meeting, he was summoned before them again and again, and asked about his ability to pay the fine. As he related the incident to me, a Board member said to him:

"We understand your wife has money. Can't she pay it, or can't you borrow it from her?"

The questioning continued, with different words perhaps but always the same theme, and the Board's eagerness to get that money gave Henry some mild satisfaction in knowing that if he had lost the parole (as he did), he at least had kept his wife's living secure.

This extra-judicial effort to collect prohibition fines was a periodic scandal in the prison. To me the ludicrous part of that situation lay in the fact that our government, through its Parole Board, was demanding its percentage of money made in bootlegging or other criminal offenses. Back of it I thought I could see the organized reform effort that put the dry law on our statute books.

In this matter of parole, I learned very soon, United States Senator Charles S. Deneen was considered a powerful friend during his term as senator from Illinois. To the convicts he was known by his nickname, Chug, perhaps because he resembled a small, driving dynamo.

When paroles were granted, a long delay usually followed before the men were released, the length of time ranging from three to four months after the earliest

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eligible date. If a man had political friends, there began a struggle to win his freedom sooner, and during my stay in the Record Clerk's office I saw many of the telegrams which passed between the Warden, the Attorney General, the Superintendent of Prisons, and sometimes the President, concerning the prisoner's release. Now and then a letter would reach the Warden worded about like this:

"Smith, whose parole is set for such and such a time, has a father who is not expected to live. Smith himself suffers from a severe case of rheumatism and should be released at the earliest possible moment to save his life and get back to society, not only in his own interests but to ease the last days of his dying and despairing father."

There soon followed a request from the Attorney General for a report on Smith's health. After a physical examination of the man by the prison doctor, the warden might reply that he felt Smith would not be greatly injured if he served his time until the Parole Board's date of release. In such cases I often saw telegraphed replies such as this:

"Hold board meeting and parole Smith. Release him at once. Papers will follow. He can sign up later."

And as the warden set about obeying these orders, the comment: "The big shot's been at work again," would run throughout the prison.

One of these sudden commands from Washington led to a quarrel between Warden Smith and Record Clerk McConologue which ended with McConologue's resignation. It came in the form of a wire signed by Mabel Walker Willebrandt, then an assistant attorney general, and its message directed the release of one Peter Hanson immediately.

Hanson in reality was Peter Larson, a Department of Justice agent who had first been sent to Atlanta penitentiary

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to learn what he could to discredit Warden Snook's administration. When his identity became known he was transferred in haste to Leavenworth where he remained several months.

Whether or not Record Clerk McConologue knew these facts, he refused to release the man on a simple telegram which might easily be faked and was, besides, contrary to prison rules. Warden White grew angry at his aide's attitude, and it did not lessen his irritation to have McConologue point out:

“There are five ways by which a prisoner can be released, Warden. First, expiration of sentence; second, habeas corpus proceedings; third, parole; fourth, by commutation of sentence approved by the President, and fifth, by death.”

Warden White’s reply was a curt command to release Hanson or Larson forthwith, and the Record Clerk finally obeyed on condition that the warden give him written instructions. These, he later told me, he received, and Larson was turned out.

There is nothing illegal about such procedure, you understand; it is merely a system of political influence and intrigue, and if other prisoners resented such luck whenever it came to their fellow inmates, they secretly longed to have as powerful friends of their own at court.

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## CHAPTER EIGHT

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### PRISON POLICIES AND POLITICS

I FIRST KNEW United States Senator Charles S. Deneen back in the days when his career was just beginning in the little Town of Lake, later annexed to Chicago. He was a determined, taciturn little man and it was not long before he became the powerful leader in Republican circles which he is today. He fought his enemies, supported his friends, and despite the attacks against his political alliances with such notorious characters as “Diamond Joe” Esposito, who died from an overdose of gunshot slugs, his halo has never lost its peerless golden light.

Manfredini’s story about his parole brought home to me the unfortunate truth that he had not been able to do the Senator’s faction some service down in Williamson County, because if he had I do not doubt that his parole would have gone through even though he refused to pay that ten thousand dollars. Nevertheless he accepted his misfortune with good-humored resignation, and life at the chicken ranch would have gone on as serenely as ever if it had not been for Walter, a convict favorite of Guard Madden who ruled the ranch.

What his family name was I never learned, but I knew that once he had been transferred to other work when a

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convict he offended told Lieut. Krantz of a ten dollar bill Walter had hidden in the beaver board ceiling of the basement living room.

During his absence I had joined the crew out there along with the three Henrys — an old Norwegian farmer from South Dakota, a man from Chicago, and Manfredini. We four got along splendidly, and after Walter’s return it became apparent to him and Madden as well that none of us would kowtow to the convict favorite as he expected. Whenever either one of them came into sight, our conversation was guarded. Things rapidly grew

tense and before long I found that the guard and his toady were blaming me for this silent insurrection.

The flame of Madden's resentment was probably fanned by my open amusement at his silly stories. The man claimed to have occupied almost every conceivable rank in civil or military life with great distinction. He had been a circus performer, he said, also an army captain; but wherever Fortune had chosen to put him, she thoughtfully saw to it that he was surrounded by women of great beauty and cultivation.

We always knew when to expect one of these yarns by the faraway look that crept into his eyes and the fatuous grin that spread over his face. Then as we farm hands lounged about, he would launch some tale of conquest exactly like the ones which had gone before save for a difference in the woman's name, complexion and the scene of their gilded sin. Invariably, the story ran, some charmer was impelled by his handsome face and dashing manner to forsake her current swain. His vanquished rival was always inferior to Madden, though I wondered why, stupid though he was, he didn't make the man brilliant and of striking appearance in order to increase the measure of his triumph.

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That changeless pattern always amused me, and I took no pains to conceal my smiles. For that reason, very likely, I found myself transferred from the chicken ranch on the first day of February, 1930, to work at the outer East gate, the gate I first saw when I stepped from the train with Joe Spizziri nearly eight months before.

The new job was made to order for a Missouri mule. But my partner Mac and I happened along instead, and if we were not as strong, we were far cheaper. With the huge keys tied about our waists, we opened the massive, unwieldy doors from one to two hundred times a day whenever a train or motor car came or went, or gangs marched forth or back from the shale pit, the quarry and the farm.

Here I stayed until the following September, when I was sent to the loading platform near the shoe shop, and later back to the record clerk's office where I stayed for a short time until I succeeded in winning another outside job — sweeping the prison streets.

Unhappy over my transfer from the ranch I indulged in a good deal of grumbling, but it wasn't long before I found a ray of sunshine to break the gloom of my daily grind: I could still enjoy an occasional capon dinner!

The first of these came about through a young prisoner who was soon to be discharged and who was anxious to get a carton of cigarets in order to exchange it for a pair of fancy garters or some of the other trifles that prisoners make in their spare time. He frequently visited the chicken ranch in the course of his duties and he soon conceived a plan for getting the cigarets.

"Listen," he said to Mac at the gate one day, "you give me the cigarets and I'll get you a swell chicken if you can get it cooked."

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Mac went into hasty conference with me and we agreed to make the trade. The following Friday, when the youngster came inside after his work, he received his cigarets, and as he passed on with his gang, he said to Mac:

"Look in the railroad tool box Sunday morning."

Sunday saw no guard at the Big Gate save when the patrol went by, and the prisoner on duty was left all alone since he and his partner took turns looking after it during the long, dull Sabbath. At seven-thirty Sunday morning, then, I went out to the tool box and there was the chicken, cleaned, wrapped, and ready for the fire as clever as you please. It was a thrill which no one who has not lived on poor prison fare can fully comprehend; but at sight of that package I could have done a jig all the way back to my frying pan.

That priceless utensil, together with a small barrel stove and a flask of olive oil, I kept hidden in a little office at the outside entrance to the salleport, but since it was not big enough to cook the bird in all at once, I had to make four separate fries, meantime keeping an eye open for guards.

"Dinner," I told Mac as I passed him at the gate, "will be served at twelve-thirty, your honor."

"Okay, cap," he grinned, and I went to prepare our feast. The cooking went on without interruption until I had started the potatoes when the patrol finally drove around and the convict chauffeur came into the office for a drink of water. He sat around for a few minutes, sniffing suspiciously; but when I paid no attention to him he went back to his car.

The patrol had gone only a little while when I looked up and saw to my consternation that Guard McCullough was approaching from the inner East gate. He peered through the bars of the window, gave me a veiled smile and some commonplace remark that didn't fool me for a

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moment. I could see something was brewing, and five minutes later I had further confirmation when Chicken-ranch Madden came strolling over, his eyes alight with concealed excitement.

“Guess I’ll call up the warden to find out about next week’s entertainment,” he explained with elaborate nonchalance as he came inside. But his gimlet eyes bored into every nook and cranny of the place searching for anything resembling a chicken.

“Well,” I answered, “will you have a few of these, Mr. Madden?” turning the potatoes with my fork.

“Oh, no, thanks,” he snickered.

“But I’ve half a bushel here,” I went on, “and if you’ll send one of the boys over, I’ll give some to him. A half bushel is more than we can use here.”

Madden declined, and with a final look around he cleared out, leaving me to wonder if Mac and I would dine on chicken in the office or bread and water in the Hole. In the latter case, I knew, we would be indebted to that convict driver. He must have reported that I was cooking a chicken, but by the time Madden arrived, all he could see or smell were potatoes sizzling in olive oil. It was probably fear of ridicule which kept the chicken-ranch guard from making a thorough search of the place. He had only a prisoner’s word that I had a chicken and if it was not to be found on search, Madden would have been a laughing stock for weeks.

Nevertheless, when he got back to the ranch, I learned, he accused the ranch hands collectively, saying he had been told of the smuggled bird by a man who saw it killed. This wasn’t true, of course, and it reassured the one who had killed it that he was safe from detection.

The idea that one of the men had outwitted him goaded Madden to anger, not the loss of one small bird, because

waste and inefficiency were as glaring at the ranch as elsewhere in prison. Once I saw eight barrels of good onions which had come in from Number One farm go back through the gate to the dumped in the slop wagon because the kitchen workers were too lazy to clean them and the administration apparently didn’t care.

Work gloves were thrown away when they became soiled; towels were used by guards and prisoners alike to scrub floors, to clean shoes, stoves or anything else. If one new wash basin was needed, the clerk ordered six. The



one was used and the others lay around until presently a fresh batch was ordered.

Hand in hand with this waste went thieving. If a guard turned his back, something disappeared. One prisoner even contrived to steal enough sheet iron to build a bathtub and install it on an upper tier of Cellhouse A.

I knew, therefore, that Madden could not have become incensed merely because we had a smuggled capon for dinner that Sunday, and this knowledge only served to intensify our enjoyment of the feast. The chicken was tender and juicy, cooked to a delicate brown, and as we devoured it leisurely, a sense of well-being spread from the crowns of our heads to the soles of our feet. The patrol was not due to return for some time, and we were free to loaf unless a guard's whistle summoned Mac to the gate.

"This ain't so bad," remarked my partner as he started on a chicken leg.

"I've had worse in Chicago," I said, pulling off a piece of delicious white meat. Mac munched in silence for a while, then he suddenly pointed the drumstick at me accusingly.

"Say, Wharton, they tell me you was a copper up there," he said.

"Prosecutor ——"

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"Same thing," he returned with mild disapproval.

"Who'jever arrest?"

"Just a streetcar," I said thoughtfully.

"A streetcar!" He jerked around in his chair to see if I was laughing at him.

"That's the way the newspapers wrote it up anyway," I added.

"Kee-ristmas! A streetcar? Say, was you sober.

Mac refused to believe me and I offered to break down and confess the whole yarn.

"Well," he remarked, tilting his chair back against the wall, "we got time yet, an' I might as well listen to you as them guards out there." He scratched his head and looked at me searchingly. "How'd the streetcar plead-guilty or not guilty?"

"You'll see. Wait till you hear the whole story. It was an evening in June of 1923, and on my way home from the state's attorney's office, I saw an old farmer knocked down by a truck and then thrown against a trolley car southbound on Halsted street ——"

“Oh, assault and battery by one streetcar, hmh?” Mac gave one of his short, rare laughs. “How about the truck?”

“I put its driver under arrest, and I ordered the street-car crew to wait while I sent the old man to a hospital. But there was an awful lot of confusion, what with the ambulance arriving and the crowd, and people hanging out of windows to shout a few suggestions — so by the time I had disposed of the truck driver, the streetcar was rumbling into the distance, carrying away the witnesses to the accident.

“So,” I continued, “I halted a motorist and made him my deputy. Then we stopped at the Stockyards police station and picked up a couple of uniformed patrolmen,

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just to make sure there wouldn’t be any question of our authority, and so we started off in pursuit.

“Well, that streetcar kept on going until we overtook it at Fifty-third street and Racine avenue. I got out of the car with the policemen tumbling after me, and shouted to the motorman to start back for the police station by the nearest route.

“He wanted to argue, hut one of the coppers with a deep Irish brogue changed his mind. ‘This here’s an assistant state’s attorney,’ he barked. ‘Do as he tells ya or I’ll be afther runnin’ you in, too. Git along wid ya’ — and the motorman decided to git.

“Well, the nearest way back to the Stockyards police station at Forty-seventh street and Halsted, was to go south to Sixty-third street, then over a switchback, and north to Fifty-first, then east to Halsted street and north again to the station —”

“Gee, I’ll bet them passengers was fit to be tied,” interrupted Mac, attacking a chicken wing.

“Well, they had a lot of company. The car jammed all traffic on the South Side, particularly after it stalled outside the station, and the people who were riding home from work couldn’t get past it unless they wanted to walk.”

Mac snorted.

“Well, now! Didn’t any one o’ them think to call up the nut factory and hire you a nice, padded room?”

“Nope, not one,” I laughed. “But State’s Attorney Bob Crowe, my boss, and the street car officials were pretty close to going there themselves for a

couple of hours!”

“And how long did you tie up Chicago?”

“Only until the car crew arrived and cleared things up. But I got my witnesses and their stories —”

“Whaja do next?”

“Went home to bed.”

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Mac stood up and looked at me with a quizzical eye.

“Too bad they ain’t any streetcars around here, Wharton,” he said, clearing the scraps from his plate into a paper bag. “Still, you might try your luck with the donkey engine or the Little Dan slop wagon.”

“Nope. I’m resigned to the quiet life now, Mac. Wait till I get back to Chicago. Then I’ll let you know.”

“Well, don’t go slapping any letter carriers on the wrist, or you’ll be back here...”

“No fear,” I assured him. “I’ll give the proper salute every time a mail truck passes. I won’t even make a pass at a kiddycar — those days are gone forever.”

Mac walked towards the door, and I began tidying up the little office. We were feeling pretty high after our banquet and particularly over the fact that no one discovered it.

From time to time after that Sunday Mac and I contrived to enjoy secret feasts, for prison food, as I have pointed out before, was a constant source of irritation to us as to the other men. We were permitted to buy things through the chief clerk, such as canned goods, smoked meat, tobacco, et cetera, but this business was something of a racket among the tradesmen of Leavenworth, each of whom enjoyed the privilege of profiteering at the prisoners’ expense for two weeks in rotation.

Inferior goods were substituted for the ones ordered; prices were higher than those paid by the average house wife, and if you feel that this is a hardship which a convicted criminal has earned, remember that the money which finally reaches these merchants represents weeks, perhaps months of desperate scrimping on the part of a prisoner’s mother or wife.

Frankly, I do not wonder that many of Leavenworth’s inmates preferred to gamble on the Hole by stealing from

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prison stores rather than let the respectable tradesmen steal from them. After a few experiences with this system myself, I wrote:

“Prisoners’ complaints finally led officials to take up with Washington a plan for installing a prison commissary where men could buy their provisions at reasonable prices.

“A committee of Leavenworth citizens immediately rushed to Washington and succeeded in blocking the idea. They protested that the city of Leavenworth suffered great hardships because of having a Federal prison located there. They were entitled to some financial compensation, they argued, for the moral stigma borne by innocent citizens forced to live at a penitentiary post office address.

“And so we continue to pay through the nose.”

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## CHAPTER NINE

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### THE CHAIN GANG

THE WISPS of fleecy clouds which had promised relief from the broiling sun had drifted away to a white-hot horizon. Heat waves danced over the barren baking earth. The sky was a brazen lid clamped tight on that silent inferno. The world seemed suddenly to have died and gone to hell.

Mac and I rested our haunches upon the dusty bricks, leaning back against the wall gasping for breath. We didn't speak; we needed our strength for the gates. Even Mr. Little Importance, the guard on duty, was silent. Now and then at his voiceless signal we dragged ourselves to our feet, admitted a gang or a truck and returned panting to the thin strip of shade by the wall.

Thus we stayed until late afternoon when a clanking of chains broke through the smothering stillness. We looked at each other, then up at Little I. He seemed lost in happy contemplation of something outside, something to which those chains belonged.

"Come on," I muttered to Mac, getting to my feet, "let's take a look and see what it is."

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We made our way to the great steel bolts, eyes on the guard for the command to open, and after a few long moments had dragged by, he finally gave it in an automatic, absent-minded way, his eyes still riveted on a point beyond the walls. We thrust our keys in the locks, turned them, and pulled back the creaking portals to behold a sight as pitiful as it was shocking. First we saw the chains, then the something to which they belonged.

It was a gang of prisoners newly arrived from Texas. Each man's neck was bent forward under the weight of steel links that bound him to the felons before and behind him. In they came, slowly, heads down, feet dragging, like captives of the middle ages bound for torture and the stake, while their chains swung back and forth screeching their disgrace.

These were not mad dogs, remember. A few were confirmed criminals, it is true, but most of them I learned later were merely liquor law violators. The spectacle they presented I can never forget, nor my feeling of outrage at this wilful and unnecessary degradation inflicted upon them.

In this manner they were paraded before the entire prison population, from the train that brought them, to the receiving room beneath the prison barber shop. And as on the day I entered, there was no glimmer of pity in any of the eyes that fastened upon them as they walked.

Can you wonder that I read about that time with grim amusement the statement of Mrs. Mabel Walker Willebrandt, printed in a Chicago newspaper? She was glad, she said, at having been of assistance to President Hoover in three of his greatest achievements: prohibition, the humanizing of the prison system, and the building program to provide new and more adequate prisons.

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So far as I could judge from my life in Leavenworth, prohibition has added immeasurably to the total of human misery — witness those wretches in chains. And how had the system been “humanized”? By permitting the morally vicious to associate freely with youths newly imprisoned? By tolerating the dirt and the vermin; by the abuses of parole?

Why new prisons? It meant the extension of a system useful only to petty jobholders and politicians.

Moreover, I am firmly convinced that once prohibition has been replaced by a sane means of liquor control, and bootlegging revenue cut off from gangs whose ruthlessness has inspired countless boys to a career of crime, the prison populations will be swiftly reduced.

Some of my room-mates in One parole room talked it over that night after I had read Mrs. Willebrandt’s remarkable declaration. It was almost too hot to talk, but by talking we contrived to forget the steaming air that closed in on us like a blanket of moist wool, so that every little while someone blew out his breath and pulled the shirt free of his sweaty body. Yet nobody worked up any measurable degree of indignation; analyzing a situation was work much too difficult, and presently we were speaking of other things.

On these worst of all nights. some of the men delighted to bring up the comparative luxury I had enjoyed in private life-whether to plague me into deeper discontent than theirs or to share my long-gone pleasure in

imagination, I neither knew nor cared. As it was, I found it pleasant to relive them in my mind: the rushing, crowded days of political campaigns in Chicago's seething, two fisted back o' the yards district, to the New York of Rectors, the Bowery and the Knickerbocker Grill where famous men gathered at the cocktail hour.

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My trip with Big Tim Sullivan to Paris fascinated the men in my parole room more than anything else. None of them had ever been there, but its name suggested a city of forbidden delights, gilded and populated with beautiful women no better than they should be.

"Bet you met a lot of them classy French dolls," said Oliver Dougherty suddenly, after the earlier attempts at conversation had given way to a long, stifling silence. "You know — when you an' that Sullivan was in Paris," he explained, seeing the inquiry in my eyes.

"Gee! I was just thinkin' of all them stories you been tellin' us since you come to live here. Say, I could do this stretch on my head for one year over there with lotsa dough!"

"Chicago's got everything you'll find in Paris — including the picture postcards," broke in Virgil Litzinger, one of the Evergreen Park mail robbers. "Just get into the reform racket — you can go into any kind of a dive an' be respectable!"

He fairly spat the last word, and everyone in the crowd laughed.

"Well," I said, "Tim and I had the most fun going around together. The only time I balked was when he wanted to get me a new suit of clothes and everything that went with it."

"What was the matter with that?" demanded Eppelheimer, convict secretary to the Catholic chaplain since his forced retirement from the Egan gang in St. Louis.

"Just a hunch. I was right, too. Mike Padden came into my room one morning and said, 'Charlie, we're all goin' over to one of the big stores an' get us a swell new wardrobe.' And sure enough Tim told me at breakfast, 'Congressman, meet me downstairs about ten. I have to see

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Erlanger, the theayter man this mornin' but I'll be back and we'll all go out and get us some clothes.'

“I didn’t think much of the idea so I declined. The clothes I came in were good enough for me. Every morning I sent them out to be brushed and pressed and I was afraid of what I’d look like in a Paris suit. So Tim and the others went down to a big department store while I waited till I got my suit back from the valet —”

“Valay!” chuckled Roy Tipton, who like Dougherty and Eppelheimer, hailed from St. Louis. “Listen to that — there’s class!”

“Sure, Wharton’s been around — not like you bums,” Litzinger mocked.

“And so what I” retorted Christophersen, still surly from the fierce heat. “He’s here now, ain’t he?”

“Aw, nuts!” Litzinger flapped a hand in weary disgust. “What of it? Nobody’s laughin’ at him like they are at a certain respectable faro player in Chicago. Hell, I’d rather be cursed than laughed at —”

“Well,” I broke in hastily, “I met the boys just as they came back to the hotel after their shopping trip, and I nearly said a prayer of thanksgiving for that hunch of mine.”

“Yeh? Why?” Tipton asked in a listless voice. He was fanning himself with a newspaper and flicking the sweat off his forehead with the other hand.

“Why, they all came into the hotel lobby two by two, with Tim at their head, and they had on the same kind of hats. the same kind of suits, they carried canes, and they wore the same kind of yellow gloves. Say! They pretty nearly hypnotized that place —”

“I’ll bet they did,” laughed Litzinger, slapping his thigh. “Gee, even Capone don’t make his guys do that?”

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“Well, Tim was more of a tyrant with his own crowd. They had to do, talk and dress as he told them, too, But everyone in that hotel lobby just froze in his tracks until the mob of East Side politicians dressed like Paris dandies had disappeared from sight. And then I went out for a day at the races, kind of thankful I didn’t have to join the big parade.”

“I’ll betcha,” murmured Harmon, standing up to walk around and flap his shirt in a vain effort to create a current of air which might cool him off somewhat. I fanned myself with my cap and looked at the little makeshift cupboard where I usually kept some provisions. A cardboard box contained almost half a cupful of sugar and beside it were two lemons.



“Maybe we could make some lemonade,” I suggested. But there were six of us, and two lemons were hardly enough.

“Oh, ice water’s good enough tonight,” said Eppelheimer, going over to the cooler. “Hell, there ain’t much left,” he added. “Guess I’ll turn in raw. That’s better’n sittin’ here in these clothes.”

He turned and walked down the room to his bunk where he threw himself on the cot until bedtime. The rest of us sat around aimlessly, and I went over to the window seeking a breath of fresh air; but instead of enjoying even a fitful breeze I found that the warm air of the parole ward was rushing out and I went back to sink down on the cot and wait patiently for taps.

It sounded in another ten minutes, although it had seemed an eternity away, and after the unshaded white lights had been put out, the room seemed less oppressive. It was still too hot to sleep, however, and for hours I lay awake trying to keep my mind off physical discomfort by thinking of the nights I had spent in the wind

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swept Rockies and by the shores of California’s beautiful Lake Tahoe.

Thoughts of Tahoe at length turned my memory to Harry K. Thaw, whom I had known for years before his sensational trial, and who retained me as his legal representative in Chicago. I recalled his early married life with Evelyn Nesbit when they were blissfully happy together and I thought of the story which appeared in the old Chicago “Inter-Ocean” some time in June of 1905, about a shopping trip Evelyn had made along State Street when she bought a hat for a dollar.

That was news, and she was written up as the “beautiful wife of the young Pittsburg millionaire” travelling east with her husband after their honeymoon on the Pacific Coast. I went to see them at their apartments in the Virginia Hotel and took them to lunch at the College Inn before they left for a matinee performance of “The Mayor of Tokio” at the Studebaker Theatre.

Evelyn was then at the height of her arresting beauty and Thaw was madly in love with her. They planned to leave for New York, they told me, and spend the summer at the country home of his mother. There the Countess of Yarmouth, who was Thaw’s sister Alice, would join them later on.

Lying there on my prison cot in the sweltering darkness my thoughts skipped ahead two years to that day when I caused a sensation by introducing a resolution in Congress empowering President Roosevelt to exclude from the mails any account of the testimony at Thaw's trial for killing Stanford White. This is the text, as I copy it now from my scrapbook:

"Whereas the public sense of decency and morality has been greatly outraged by the publication in detail of the most revolting features of the evidence of the trial of

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Harry K. Thaw now in progress in the city of New York, which reveals the depth of moral depravity, degradation and degeneracy on the part of Stanford White, unequalled in all the annals of our criminal history; and

"Whereas, the publication in detail of the loathsome and licentious acts of the said Stanford White in a long and uninterrupted career of debauchery of girlish virtue and chastity must of necessity have a demoralizing influence on the youth of the land: Therefore be it

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

"That as a protection to the honor and good name of the womanhood of America, the President of the United States be hereby authorized and empowered to exclude from the mails of the United States any and all publications containing the revolting details of this case and others of a similar nature."

It was long before the day of the tabloids, but it set the press all over the country up in arms. Of course it was defeated, but to a "kid Congressman" of twenty-eight years it brought national prominence and thousands of letters endorsing his stand.

I never saw Evelyn Thaw again. But almost immediately an echo of that famous trial brought me into a row at the old Palmer House and the front pages of Chicago newspapers. I remembered the evening clearly, the three drunken men shouting obscenities around the lobby in boorish unconcern of the women nearby. One of them was a traveling salesman from Boston named Gillespie, the identity of the others I have forgotten.

There in my prison bunk I relived the incident — my protest against their language, their angry retorts, a pair of hands closing around my throat, the fist that collided with my jaw, and finally, the sight of my gun, drawn in

self-protection, frightening them away in company with everyone else who caught a glimpse of it.

I was arrested and charged with disorderly conduct, but when the case came up for hearing that fallowing morning before Judge Fred Fake in the old Harrison street police court, none of the trio appeared and I was discharged.

From time to time thereafter, I saw Harry Thaw. In 1915 when I motored with him from Chicago to San Francisco for a visit to the Fair, I vowed I had seen the last of him. But ten years later I worked night and day to save him from a blackmail plot that threatened to cost him \$100,000.

We started our westward motor trip the first of August, 1915, in a Packard touring car which belonged to his mother, and in the party were Frank K. Johnstone, a New York lawyer, and Earl Pearl Pendleton, a youth from some place west of the Atlantic Ocean.

We had the motorist's usual run of luck, plus the fact that Thaw created more curiosity than Barnum's circus. There was always a crowd assembled to watch us wherever we arrived, departed or drove through en route. Far from shrinking at publicity, Thaw proved himself to be the contrary. Whenever we neared a big town such as Omaha, he would pull up twenty or thirty miles outside and telephone the news of his impending arrival by calling the town's best hotel and ordering an elaborate supper to be served at some stated hour to the table reserved in his name. Invariably as we entered the dining room a large and pop-eyed audience was there before us.

During our stay in Omaha we were entertained royally at the country club and in private homes. My uncle, John C. Wharton, a corporation lawyer of note, was Postmaster as well as Republican national committeeman for Nebraska, and he saw to it that we enjoyed the city's hospitality to

the fullest degree. Moreover he was a leading light in the local theological seminary which Thaw's mother had endowed heavily, and this was an added reason for providing her son with a royal good time.

When we reached the Fontanelle hotel, Thaw's secretary and his wife, Mr. and Mrs. Harry Rice, had laid out our clothes in our rooms. We dressed and went downstairs to find that an elaborate wedding dinner and reception

was taking place in honor of the union of Omaha's two wealthiest Jewish families.

No money had been spared to make it the most impressive affair of its kind in the city. But Thaw's arrival stole the show, and the audience deserted the bride and groom and their beaming wedding guests to follow him around. In fact, it looked to me as if the entire city spent its days and nights outside the hotel waiting for a chance to see him.

Next morning the newspapers gave but scant mention to the gorgeous nuptial celebration, for Thaw had captured all the space, and when the newly wedded pair left towards noon, there was scarcely a corporal's guard to see them ride away in state.

At the time I happened to be chatting with the doorman, and presently a red-faced woman, pacing furiously up and down, evidently recognized me for one of Thaw's party. She glared at me a full minute, and then whipping around to the doorman she cried:

"I can't understand what people see in a filthy murderer that makes them follow him around and ignore events which are really inspiring — things that take place right under their noses!"

Then she banged into the lobby and slammed the door behind her while I looked at the doorman in utmost bewilderment.

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"Don't mind her," he advised me with a broad grin. "She's sore at spending all that money an' nobody givin' a damn. That fella Thaw just put on a better show, that's all."

A few days later our party moved westward towards Meeker, Colorado, but on the way we ran into a stretch of deep, treacherous mud. The road had been undermined by seepage from an irrigation ditch, and as Thaw tried to force the car ahead, one of the front wheels broke. This was on a Sunday afternoon, more than a mile outside town. We were resigned to a long delay, but Thaw disappeared without a word, and an hour later he returned, waving his arms reassuringly.

"I've everything fixed," he announced in his excited, jerky way. "We're O. K. We'll go forward at seven in the morning."

I knew we would have to go back to the hotel, and I couldn't understand how it was possible to start out again so soon.

"What's the matter?" I asked him in irritation. "Got another brain storm?"

“Don’t be silly!” he snapped. “I’ve got a wheelwright working on a new wheel. I promised him twenty-five dollars to have it ready at quarter to seven.”

Thaw was as good as his word. He had found the wheel wright who produced a substitute from hickory wood, and while it looked homemade and creaked slightly, it was as strong as the one which had broken, and it made the rest of the trip over mountains and deserts in splendid condition until we pulled into San Francisco.

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## CHAPTER TEN

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### THE BLACKMAIL OF HARRY THAW

HARRY K. THAW'S tragedy was the result of his blind, unreasoning rage, usually aroused by a number of apparently trivial incidents. Where other men would be slightly annoyed at each of these in turn, Thaw would let them accumulate and goad him into a vicious mood.

At Myton, Utah, on our westward trip, Thaw flew into one of these frightening rages. We had stopped at a hotel which boasted walls of pasteboard covered with cheap, red wallpaper — not through choice, but because we could not travel all night and it was considered the best in town.

There the guests were looked upon as legitimate prey by a colony of small active residents that dwelt in the mattresses and emerged at night to hold auctions for first, second and third bites.

Thaw couldn't stand it. He wanted to get an early start and when breakfast was late he gave way to a villainous humor. Like a prima donna of the old school, he had the faculty of making himself extremely disagreeable at times, and when he was in such a mood he spared no one unless his victim had the nerve to roar back at him.

To make it worse, Frank Johnstone wasn't ready, and Thaw sat out in the car, blowing its horn like twenty devils.

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I stepped out of the rear seat and strolled back of the hotel where they had a young black bear on a long chain. The animal knew I had some apples, as I had given him some the evening before, and he began to nose around my pockets when Johnstone finally came out.

Then they discovered that I was missing. Thaw came charging back, white with fury. At sight of my playing with the bear he started to rant and rage at the delays we all had caused him, and in that frame of mind he started off on the day's trip.

The going was bad; everything went wrong. No one had had breakfast, and Thaw indulged in sulks and tantrums until we reached a bridge that had collapsed over a creek the night before when a motor tractor had tried to pass over it. As we drew near, I saw a crew of men starting to build a new one, but when we learned it would take several hours, Thaw fumed out of the car and stalked downstream to see if he could find a place which would afford a crossing. Twenty minutes later he came back scowling, and the foreman, who was a fine, hearty sort of fellow, offered him a drink of the coffee his men had brewed in a tin can.

"Mr. Thaw," I said, as we approached him at the car, "this is the foreman of the boys putting in the new bridge. He invites you to meet them and have some of their coffee."

But Thaw was past all control.

"To hell with the gang and the coffee!" he shrilled, flinging one arm out angrily. "Haven't you apes found a way to get across the creek? What's the matter with all of you!"

I walked around and apologized to the foreman and told him Thaw was out of his mind.

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"To hell with all of you!" came Thaw's piercing voice as he drove away. "I'm going across."

Now some struts had been laid across the bridge stringers in readiness for the planking, and to our amazement Thaw began driving his car across these. It was exactly as if one had driven a car along railroad tracks, but he made it.

When he reached the opposite bank he seemed somewhat mollified, and after we had scrambled across to join him, I told him I'd pull him out of the car and beat his head on the ground if he ever referred to us again as "you apes."

"You ought to be ashamed of yourself," I ended heatedly, "for the way you talked to those men back there."

Then I got into the car and we went on our way. Thaw was silent. I expected to be thrown out of the party at the first railroad station, but twenty miles farther on, after we had covered a villainous stretch of roadway, Thaw suddenly pulled up and sat there moodily smoking his pipe.

"Here it comes," I said to myself. "He's going to try and dump me here in the desert."

Then with a quick jerk of the arm he removed his pipe, turned to me and said mildly:

“Mr. Wharton, don’t you think I’d better turn around and drive back to apologize to those men at the bridge?”

“Lord no!” I exclaimed in relief. “Let’s get on to the next town where we can find something to eat.”

“Very well,” he agreed, and with that the incident was closed.

We reached San Francisco without further upsets, and after visiting the Fair for several days, Thaw took us touring through the state where he had brought his wife on their honeymoon years before. Never in all that time

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did he refer to her, however. He seemed unaware that such a woman existed, and when we visited glorious Lake Tahoe, where the limpid blue waters and great wooded mountains suggest a peaceful retreat for any romantic couple, he confined himself to remarks upon the striking scenic beauty.

He was uncommonly placid during the rest of our stay together, and when I took leave of him I bore him no ill will. In the years that followed we met occasionally in New York or Chicago, and during one of my trips east, he and a party of friends took me to the Cotton Club in Harlem one evening. The place was crowded when we arrived, people were milling about, music was playing, and a thick pall of tobacco smoke obscured the far side of the room.

Our entrance passed unnoticed, and this I quickly saw was contrary to Thaw’s expectation, for when there was a momentary lull in the music some moments later, he got up, walked several feet, then returned and stood in an attitude of deepest thought before our table until the word had had time to spread that Harry Thaw was there.

This seeming passion for the limelight was one of his idiosyncracies I never could understand; yet on the other hand he was subject to impulses of wildest generosity and solicitude for people he considered less fortunate than himself.

Thaw always smoked a special brand of cigarettes made of tobacco blended to his fastidious taste, stamped with the gold monogram H.T. Whenever he came to see me in Chicago during his trips around the country, he left a supply, and I can testify that they were of excellent quality. Usually his visits were for the sake of friendship,



although frequently he had a number of problems which he brought me to straighten out.

Perhaps the most serious of these was a conspiracy which a group of Chicago people organized to make him pay \$100,000 under threat of suing him on a serious statutory charge. The whole affair, which took place in 1925, never reached the public prints, although a couple of Chicago reporters did their best to learn the story. It revolved about a youth named Robert Snider, a big, vain, imaginative kid, who finally confessed everything to William C. Dannenberg, the Chicago investigator, and myself.

When Thaw was adjudged sane by a Pennsylvania jury and released from the state insane asylum, Snider wrote to him, expressing his sympathy at Thaw's misfortunes, florid admiration for his fortitude, and adding the hope that they might meet some time. The youth also said that he was really one of the Randolphs of Virginia, but that he had taken the name of his stepfather when his mother remarried.

In Pittsburg, Snider received a telephone call from Thaw's secretary, Mr. Rice, about a week after he had written the letter, sometime in May of 1924, and at Rice's suggestion he went to the Nixon Theater where he met Thaw in person for the first time. During their conversation, Snider mentioned his desire to be reinstated as a midshipman at Annapolis where he had spent half a term before leaving when he fell behind in his studies.

Thaw was instantly sympathetic, and during their friendship through the months that followed, he wrote some Congressmen in Pennsylvania, asking them to get the boy back into the naval academy. This effort failed, and then Thaw tried to send Snider to a school at Winchester, Va., but without any better success.

During this period Snider visited Thaw at his home; they went motoring together, and as the boy later told me, their relations were those of a son and his father, for at that time Snider was not quite twenty and Thaw almost fifty-five. This status continued until September of 1924, with Thaw extending financial aid and trying to get his young friend admitted to some good school. Then Snider suddenly departed for Lexington, Va., and

eventually wound up in Cleveland where he lived until the early part of June, 1925.

During this time he wrote Thaw frequently and received replies. But Thaw never wrote letters in longhand — he invariably used a typewriter — and he never signed his name. Yet Snider kept all the letters, and one day Thaw learned to his consternation that the youth had communicated with Evelyn Nesbit, who then had left Atlantic City and was leading a floor show at the Moulin Rouge cafe in Chicago.

In reply Snider received a telegram signed with her name saying that she had asked a “trustworthy friend” to see him and that she hoped she could help him “on to better things in life” or some such phrase.

Now Snider, who was conceited as he was ingenuous, was possessed of a burning desire to enter the movies, and perhaps he felt that through Evelyn Nesbit he could meet people who would further his ambition. The urge for a scholastic education appeared to have dropped before this new and more exciting idea.

Several days after he received the wire, a second one arrived signed by the “trustworthy friend” of Evelyn’s, instructing him to go to the Statler Hotel in Cleveland, for at that time Snider still lived in the Ohio city, working

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as a stenographer in the Lincoln division of the Ford Motor Company. This job, he stated in his confession, he later resigned as a consequence of his meeting in the Statler Hotel with Evelyn Nesbit’s Chicago representative who was accompanied by a blond heavy-set man, then a Chicago newspaper reporter.

In all fairness to Evelyn Nesbit I hasten to explain at this point that she apparently had never been involved in the conspiracy to extort Thaw’s money. Like Thaw himself she had been sympathetically affected by the begging letters of Snider, but her professional engagements took so much of her time that she asked a Chicago cabaret owner to handle the matter for her. He was little more than a casual acquaintance of Miss Nesbit’s, but he turned out to be the leader in the rapidly developing conspiracy, and it was he, together with his reporter friend, who talked with Snider in Cleveland.

The men told him that Evelyn Nesbit had sent them; that she was greatly interested in him and wanted to help him and that they had come to see whether there was any truth in what he had written her concerning his

acquaintance with Thaw. They added that her interest was due solely to the fact that he was about the same age as her own son, which, in the light of subsequent events, was something of an exaggeration. Then they questioned him as to how he had met Harry Thaw, about the friendship between them; and finally they asked if he had any of Thaw's letters. Snider gave them the half-dozen typewritten pages he said he had received in reply to the ones he had written.

After glancing over them, the men pocketed those pages, to which Snider offered no objection. They were never returned to him. Later he was given to understand that they had been handed on to a Chicago lawyer whom the

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cabaret owner had engaged and who later met Snider at the Congress Hotel in Chicago after preparing a lawsuit against Thaw.

In the meantime, Thaw received a letter from the gang, telling him that the youth was living with an uncle in Chicago, and that the uncle, greatly incensed at the alleged treatment his nephew had received at Thaw's hands, was preparing to sue for \$100,000. He insisted on having the money at once under threat of filing suit.

Thaw could not afford any publicity at that time; he had established himself as sane only the year before, and any such proceeding, no matter how unjustified, might put him back in the asylum. In great alarm he took the extortion letter to his Pittsburg attorney, former Governor Stone of Pennsylvania, who dispatched a telegraphic request to me to see him immediately.

When I arrived in Pittsburg a day later, Thaw showed me a lot of letters from Snider, told me the facts of the case, and wanted to know what I could do to help him out. I assured him that I could handle it, and with the things he had told me in mind, I hastened back to Chicago where I sought out William C. Dannenberg and told him the entire story. Together we rushed back to Pittsburg for another conference with Thaw.

"The boy's right name is Randolph," he told us. "I really believe he's in England, because I remember his saying that his grandfather has a very extensive estate somewhere in Surrey."

Thaw was so convinced of this that I was all prepared to sail for England in search of the boy, when Dannenberg said:

“Wait! Let’s look up the records of Annapolis. Maybe we can get a line on him that way.”

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I took the advice and left for Washington where I interviewed Congressman Billy Wilson of Illinois who then was attorney for the Alien Custodian.

“I’ve got to act quickly,” I told him, after explaining the reason for my visit. “If this suit ever breaks, Thaw is ruined.”

“Well, Charlie,” he said, “there’s a fellow you appointed to Annapolis for me twenty years ago when you were in Congress. He’s now handling all the Washington records of the academy. See if he can’t help you.”

I had never met this man to whom Wilson referred, but when I had introduced myself, he was extremely cordial. Then I told him what I sought.

“I’m sorry, Mr. Wharton,” he said firmly. “I cannot open these files here to anyone. The only way you can get this information is to request it from the Secretary of the Navy.”

Nevertheless he did go over to a cabinet and look up Snider’s history, but while he said nothing about it, the fact that he had located the file was proof that the boy had told the truth about having been a midshipman at Annapolis. At that moment one of the clerks summoned the official to an outer office, and in the few minutes I was left alone, I dashed over and looked into that file. A quick glance gave me the details I wanted, and when the man returned, I was sitting in the chair as I had been when he left. I lost no time in taking my departure and seeking out the nearest telegraph office to wire Thaw and Dannenberg the address of Snider’s mother as given on the official record. Then I returned to Pittsburg.

The morning after my arrival all three of us drove out to see that splendid, charming woman. Thaw was in a genial mood. As we walked towards his automobile he opened the door and invited:

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“Well, gentlemen, let’s get aboard the Five Fifteen.” That was his nickname for the car because of its license number and he always found it highly amusing.

Snider’s mother readily gave us her son’s Chicago address — a fashionable hotel — and that was ample information with which to begin

work. Dannenberg and I returned to Chicago, and after learning the number of Snider's hotel room, we contrived to intercept some of his telephone conversations. Then one evening we heard him tell the room clerk that he desired to be called at eight o'clock the following morning. But the satisfaction with which we received the news was short-lived; Snider, or his mentors, proved as wily as any of us.

To our consternation the next day, just as we were preparing to confront him with accusations of an extortion plot, we found out that he had left the hotel at seven o'clock, taking his baggage with him. An expressman carted his trunk from the handsome north side hotel to the railroad station at Michigan avenue and Twelfth street where it lay for several days. Then a second expressman transferred it to another station at Sixty-third street from which a third cartage company removed it to a hotel at Hyde Park boulevard and Fifty-third street in one of the finest residential districts of Chicago's South Side.

All this inquiry took time, but after we had located him again we changed our tactics and sent a private detective to check his movements about town. Obviously Snider had become alarmed over something; perhaps his mother had written him of our visit. Yet within a week of his flight across the city, our operative contrived to strike up an acquaintance with him as they rode downtown on top of a bus.

By the time they descended from the bus they were buddies. They started to go places and do things, and

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midnight found them at the Frolics, a nightclub on Twenty-second street, where they did a lot of intensive drinking and mutual backslapping. Around four the next morning they returned to Snider's hotel room. He had invited his newfound friend to spend the night with him, exactly the thing our man had been angling for all evening. After Snider had gone to bed, the operative slipped the lock on the door so that it would open with a turn of the outside knob; then he ran the window shade up and down as a signal to Dannenberg and me, waiting across the court in another room for a sign that our lamb in wolf's clothing had wandered into our trap.

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## CHAPTER ELEVEN

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### THE PLOT MISCARRIES

MY MIND'S EYE, raising and lowering that window shade in the darkness of my degraded prison dormitory, switched my train of thought for a moment or two from Harry K. Thaw's affairs to the plight in which my companions and I found ourselves. I sat up on my prison bunk and looked about in the deep gloom. I could make out the huddled, abject forms, tossing restlessly on those nearest bunks in the almost unbearable heat.

"God!" I thought, "God! I've been here for ages and I have ages to remain. Yet some of these poor devils have their lives to live out here in squalor, filth, degradation and indecency. Others might just as well be here for life, because what is the difference between life and the best twenty-five years of life's span?"

My thoughts and the stifling atmosphere crushed me like iron weights. And then the thing that always saved me stepped in to the rescue.

"You have your memories; these men have nothing — never did have," said a tiny voice somewhere in my mind's ear. "When it gets too tough, you can always think of other and better days and many scenes and places."

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So I lashed my recollection back to the rise and fall of Snider's window shade, and once again let memory bring me the oblivion to my surroundings that alone could keep me sane.

Once again with Dannenberg I was racing for the stairway and Snider's room.

At once we burst in on Snider. He was terrified, and his erstwhile pal, our private operative, appeared close to hysterics, weeping and crying that this would ruin him. I have always thought that the stage lost an excellent character actor when that man decided to enter the field of police work. His hands trembled, he looked at us imploringly; for every terrified glance Snider tossed him, he tossed one back. But in the meantime both of them

were dressing and presently all four of us were in a cab, speeding to the Rienzi Hotel on the north side of Chicago.

Once again it seemed as if everything was over but the shouting. Dannenberg and I congratulated ourselves as we rented a suite of rooms on the third floor and escorted Snider to the one where we planned to question him. We posted several operatives about to see that he made no inconvenient efforts to desert us; then we prepared for a few hours of badly needed sleep.

But for the second time he proved more than our match. The moment our vigilance was relaxed he suddenly sprang through that third-story window, dropped to a ledge on the floor below and from there he jumped to the pavement, agile as a cat and cold sober by now with fear and excitement. Down Diversey boulevard he sprinted until a Yellow cab came into view. He hailed it with a gesture and a faint shout, and as it slowed down he jumped into it and was carried off into Lincoln Park.

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We raced downstairs behind him, hailed another cab and dashed away in pursuit. At the end of a wild chase we overtook him and brought him back to the hotel where by that time there must have been a mob of five hundred people milling excitedly about. Wild reports of a gang feud flew in all directions. The Rienzi at that time was a favorite rendezvous for members of the now defunct North Side gang, then captained by Hymie Weiss, and everyone seized on the idea of a battle between Weiss's men and some rivals. Someone had thoughtfully called the police and just as we were escorting Snider through the lobby, a patrol drove up to add seven uniformed patrolmen to the general frenzy. It took a good deal of maneuvering to get rid of them, but finally we did, and Snider was put back in his room.

We took no further chances. Instead of snatching some sleep we at once began the intensive grilling to learn the identity of those who were in the extortion plot. Our captive remained defiant until Dannenberg and I mentioned our visit to his mother, and at that he wilted.

"Please keep her out of this," he begged us. "If you do I'll tell you all I know."

And then began the confession that filled seventy-five typewritten pages, a singular document which I still have among my personal papers. Snider first told us about his meetings with the Chicago reporter and the

other man, then he described the circumstances surrounding his introduction to the Chicago lawyer they had engaged.

“Did you ever request this attorney to represent you?” Dannenberg asked.

“No,” said Snider with an emphatic nod of the head. “I never did.”

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“Did you ever represent to him that you thought you had a cause of action against Mr. Thaw and that you wanted him to look after your interests in that litigation?”

“No, no,” Snider replied. “I never did that.”

“Now,” said Dannenberg, “upon this occasion that you have mentioned about meeting these two men in Cleveland at the Statler Hotel: did you have any conversation with them about future correspondence with Mr. Thaw?”

Snider said that he did.

“They asked me if I had any more letters,” he added, “and I said ‘No,’ that I didn’t believe so. Then they asked me if I would write to Mr. Thaw and endeavor to get a reply.”

“Did they suggest, or give you an outline of what they wanted you to write to him?” Dannenberg asked, and Snider said that they had.

“They wanted to have me write a ‘come-on’ letter,” he explained.

“By a ‘come-on’ letter you mean that they wanted you to write a letter to Mr. Thaw that would prompt a reply from him?”

“Yes, sir.”

“And did they say something about indicating in your letter that you felt very kindly toward him and would like to see him again?”

“Yes, sir.”

“Now who made these suggestions?” Dannenberg asked, “the cabaret man or the reporter?”

“Both of them, I should say,” Snider replied.

“They both were advising you in that respect, were they?”

“Yes.”

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“Now was there any discussion between you and either of those men as to the answer to that letter?” queried Dannenberg.



“Yes, there was,” said Snider. “They said when I was in receipt of this answer, I was to enclose it in an envelope and mail it to the cabaret man at the Congress Hotel.”

The youth had dutifully followed instructions: he wrote the letter, received a reply from Thaw and remailed it promptly from Cleveland to Chicago. Within a few days a telegram reached him bearing further orders. He was to call Evelyn Nesbit’s “trustworthy friend” by long-distance telephone between noon and one o’clock, something Snider lost no time in doing. In that conversation the Chicago man told him to resign his job in Cleveland and leave that night for Chicago, advising the cabaret owner by wire the hour of his arrival that next morning.

“Did he tell you why you should do that?” Dannenberg asked.

“No,” said Snider.

“Did you have any prospects of a position in Chicago?”

Snider shook his head. “No,” he said again.

“Did you have any discussion in that telephone conversation about how you were to live when you got to Chicago?”

“Slightly,” the youth replied. “This might have a little bearing upon it: he said that everything would be taken care of when I got to Chicago — that I would be taken care of.”

Snider explained that he had understood this to mean that the men or Evelyn Nesbit or their friends would pay his expenses and give him money to live on until he was able to support himself. Dannenberg wanted to know who had paid his railroad fare. The boy declared he had

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paid it himself after the same man had assured him that the money he thus expended would be refunded to him in Chicago.

On the strength of that telephone conversation, Snider resigned his job and left Cleveland several hours later. When he alighted from the train the next morning, he continued, the newspaper reporter met him.

“You mean,” inquired Dannenberg, “the same one that you had met and talked with at Cleveland when you spoke with the cabaret man?”

“Yes sir. He told me that he was sent to meet me by the other man.”

Then, the boy added, the reporter took him to the Atlantic Hotel where he registered for Snider, using the name, of Frank Roberts. There they had breakfast, and afterwards they walked over to the Congress Hotel where

they went to a room in which Snider met the cabaret owner and later, Evelyn Nesbit.

“This is Bob,” said the cafe man, introducing Snider to her. She smiled, he said, and chatted with him for awhile.

“What about?” asked Dannenberg.

“Oh, it was mostly that she was interested in my welfare because of her own son,” the boy answered, “and that she would try to arrange things better for me.”

“You at that time were seeking aid from Miss Nesbit to get into the movies?” Dannenberg inquired, and Snider replied: “Yes, through connections that she or her friends had.”

“Did she indicate that she was willing to do that?”

“She said that she — no, pardon me,” Snider interrupted himself. “She did not say anything then about it. Shortly after this, you know, they started to talk about this case against Harry Thaw.”

“Which case?”

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“Oh, they said that they would bring this case up.”

“That is, your claim?”

“Yes,” said Snider. “The men got in a corner and talked in whispers among themselves.”

From what he heard, he added, it indicated that a case was to be brought against Thaw on his behalf, but no one asked his advice. He had not asked anybody to start a case against Thaw on his behalf, Snider continued, and had never employed a lawyer.

“As a matter of fact,” said Dannenberg, “you have no claim against Mr. Thaw of a legal nature, have you?”

“No.”

“Or never did have?”

“No.”

“Well,” I broke in, “what was said to you at this time by Miss Nesbit about what to do and whom to be guided by?”

“Oh, she told me to be guided by the cabaret man,” Snider replied, “that he was a good, kind-hearted man.”

After this meeting, Snider often discussed his acquaintance with Thaw, he said, believing that the cabaret man was acting in behalf of Evelyn Nesbit. But he never spoke with her or saw her after that first meeting in

the hotel room. On a later occasion, he told us, he was taken again to that room where he met the attorney whom the cabaret man had engaged.

“Did he say anything to you,” asked Dannenberg, “about preparing a statement covering your acquaintanceship with Mr. Thaw?”

“Yes,” said Snider. “To write a statement telling the story of the affair — how I met him and the nature of our acquaintanceship.”

Snider wrote the statement, he added.

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“I gave it to the newspaper reporter, who, I understood, gave it to the lawyer.”

“Did you ever discuss it with the attorney after you prepared it?”

“No,” said Snider, “except that one time when he said that the case he filed would soon be settled.”

This remark was made, he said, two or three weeks after he had delivered the written statement for the attorney in the Moulin Rouge Cafe. Dannenberg asked for an explanation of this meeting, and Snider answered:

“I was rather disgusted with affairs. I didn’t want to carry on the case because I did not like the idea of it very well; and also I was not satisfied with the representations they had made to me. I thought they had misrepresented the facts and I distrusted them, and altogether I wanted to end the whole affair. So I went to the Moulin Rouge and wrote a note telling them that.”

He had addressed it to the newspaper reporter, he told us in reply to another question.

“I said I was going back to Cleveland; that I was sorry and did not want them to be sore about anything, but that I could not go on with the case as it was, and that I could not live on the money they were giving me very well. I gave the note to a waiter and told him to give it to the reporter if he saw him.”

When he returned to the Webster Hotel, where he then lived, a message awaited him, Snider continued. It was a note from the reporter, asking him to call a certain telephone number. This the boy did, and the newspaper man, who answered, finally persuaded him to “come out and say goodbye to me, no matter how the affair comes out.”

Back at the Moulin Rouge he was met by the reporter and the attorney who asked him what the trouble was. He

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said he was dissatisfied, he told them why, and they replied with hearty assurances that things would soon be in better shape. They were” shaping affairs” for him in California, they added, and all he needed was to be patient for a few weeks longer.

Some days after that they took him on a trip to a Wisconsin resort, “to relieve the monotony,” as Snider put it, and in the end he agreed to remain in Chicago.

At this Dannenberg again veered back to the “case” in preparation against Thaw, and asked Snider if he himself had suggested that they do such a thing. He denied it emphatically. Then Dannenberg asked: “Upon your arrival in Chicago in early June, when you met the reporter, did you receive any money from anybody?”

Snider said the newspaper man had given him ten dollars at various times, possibly forty dollars in all. The cabaret owner also gave him sums of money, and after he had left the Atlantic Hotel for a trip to Detroit and Mackinac Island, before returning to Chicago and registering at the Webster Hotel as Frank Roberts, he had received money from still another nightclub owner. This man had made the trip with him, he said, and suggested that Snider register as Harry Miller when they arrived at the Grand Hotel in Mackinac. All this money, given him for spending or to pay his hotel bills, was supposed to come from the cabaret owner whom he first met at the Statler Hotel in Cleveland, even when it was given him by other persons.

“How did the second cafe man come to go with you up to Mackinac?” asked Dannenberg.

“Oh, he was going up there with someone from Detroit,” Snider answered.

“Did the others introduce you to him or send you up with him, or send him up with you?”

“I was sent with him.”

The more he was questioned, the more Snider made plain that the crowd had taken full charge of his affairs from the moment of Evelyn Nesbit’s telegram in reply to his letter. It was their leader who reserved Snider’s room in the South Side hotel, the Cooper-Carlton, where Dannenberg and I first overtook him. There he again used the alias of Harry Miller, as the reservation had been made in that name.

Once he received fifty dollars in cash to pay a hotel bill, but on two occasions he was given checks, the first for ninety-five dollars, the second for about sixty, Snider declared. When he finally paid his bill at the Webster Hotel in Chicago it was with one of these, given to him the previous night in the Moulin Rouge Cafe.

Repeatedly the gang warned him against writing to his family or anyone else, for fear that Thaw would discover where he was staying.

“And,” suggested Dannenberg, “that would ruin the chances for getting anything out of this case?”

“Yes,” Snider admitted.

The reporter, the cabaret men and the attorney often promised to get him into the movies, the boy continued. He would not only be given a chance in pictures, they said, but he would be given “the proper instructions in different accomplishments essential to motion picture actors’ requirements.”

After a night of continuous questioning — or rather through the early hours of dawn — Dannenberg learned that Snider was under twenty-one years of age. On the other hand, Snider learned from Dannenberg that, as a minor, he could not file any suit in court unless someone of legal age acted for him as “next friend.”

Nevertheless the gang had persuaded him to sign a paper which gave the attorney right to take everything

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that he could collect by reason of the suit, although they overlooked the detail of what Snider’s share was to be. Apparently he was paid in promises of a movie career, and on one occasion they told him that by October first he would be working in Hollywood, either with the First National or Metro-Goldwyn, just as he chose!

By the time he was making his statement to us, Snider had come to suspect that he had been duped; nevertheless, once his first fear had subsided, he seemed to bear no great animosity towards anyone connected with the sordid affair.

He signed the confession, I witnessed his signature, and it was duly notarized at the same time. It was then well on towards morning, and I realized it would be dangerous to sleep because I had work to do only a few short hours away. Therefore I stretched out on a couch, fully clothed, so

that I wouldn't be too comfortable, and managed to get some rest in a series of catnaps until it was time to bathe and dress again for the day.

After a hasty breakfast I went at once to the office of the attorney whom Snider had met through the gang.

"If this affair isn't dropped," I told him earnestly, "the State's Attorney's office is waiting to indict you and the others in this conspiracy. The boy is not of age, and besides his confession, I have his mother's order for you to discontinue the suit and dismiss it."

He protested that he had acted in good faith.

"I really believed that the man I was dealing with was an uncle of the boy," he said. "They merely asked me to handle the case for them in court. But if it's as you say, I'll drop it at once."

"Well, before you do anything else, why not tell 'the uncle' that I've got the boy?"

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He picked up the telephone at my suggestion and a moment later he was delivering my message to the cafe owner. That man, however, was reluctant to believe it and in the end the attorney hung up, turning to me with a worried frown.

"He says you're wrong, Mr. Wharton, but he's going to check up and call me back."

There was nothing to do but wait, so we sat there smoking and talking about the news in that morning's papers, until at last the telephone bell interrupted us. It was the cafe man and from where I sat I could hear his voice rasping through the receiver. Snider, he said, had vanished from his South Side hotel room, although his trunk still remained there.

"Well," the attorney answered sharply, "Thaw's lawyers have him. He's made a startling confession, and it convinces me this thing is a frameup from beginning to end. All it will result in is indictments. So as your attorney, I advise you to give up all those letters and forget about filing this suit."

The cabaret man agreed, and I hurried away to bring the glad news to Dannenberg. Even then, however, it was far from plain sailing. When I entered his room Dannenberg met me with a worried glance, and my assurance that the suit would never go into court failed to brighten him. Instead he threw down some papers in disgust and walked over to where I stood, trouble written in every line of his face and carriage.

“Well, guess what’s happened now?” he said. “One of our operatives who was posted here as a guard, has tried to make himself some money by selling the whole story to the Chicago Tribune!”

Both of us were ready to drop with exhaustion and rage, but we realized that we would have to move swiftly. The

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Tribune assigned one of its reporters, Willard Edwards, to cover the story, and as Edwards told me later on, he wrote the most lurid and wonderful account of his newspaper career. Then, to his chagrin, his editors refused to print it because he had neither a confirmation nor a statement of any sort from Snider, Thaw, Dannenberg or Wharton — the principals in the case.

Meantime, a Chicago Daily News reporter named Charlie Owens heard of it, and he kept on my trail with such persistence that I almost came to fear drawing a drink from the water-cooler in my office lest Owens bound out the tap crying: “What’s the lowdown on this story, Wharton? Come on, let’s have it!”

All this uproar stressed the immediate necessity of getting Snider out of the Rienzi Hotel and out of Chicago. We debated various ways and means, and at length Earl Dannenberg and I took the boy to a railroad yard early one morning, where the three of us boarded a train bound for Los Angeles. Earl was Bill’s brother and he had worked with us on the case from the day Bill and I picked up young Snider’s trail in Chicago. It was he, I think, who nicknamed the youth “Handsome” after listening to Snider chatter about his potential movie career, and seeing him closely inspect his face every time we passed a mirror.

After reaching the Coast some days later, I tried to get Snider into some moving picture studio as an extra; and by an ironic twist of fate I succeeded, the reward of two months’ tireless effort. We lingered only long enough to see him safely at work, proud as a peacock and childishly delighted; then we boarded a train and returned to Chicago, relieved that the whole sordid mess was at an end.

I have never seen Snider since; I do not know what has

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become of him, for my life was too busy to permit much time for idle speculation about his ultimate success or failure. Yet there in prison, as this whole sensational episode flashed through my mind, I was faintly grateful

to him for having provided some exciting memories with which I could forget the encompassing grayness.

He had his place in the procession of characters — gay, sinister, strong or weak — whose shadows passed nightly in review across my cell. Reliving the incidents in which they had figured helped to keep my mental balance from becoming upset by prison surroundings, prison associations, and the deadening, insidious state of mind I call prison consciousness which drives a man to desperate depths unless he learns how to thrust it away from his spirit.



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## CHAPTER TWELVE

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### NOBODY CARES

THAT SUMMER of 1930 was a succession of blistering days and sweltering nights, with guards and bedbugs seemingly in a conspiracy to make the prisoners' lives a misery of constant irritations. At the outer gate where Mac and I toiled in the blazing sun, the usual confusion prevailed. Perhaps I was growing lightheaded from it all by then; at any rate, the night of July 25th I wrote:

"No one ever saw such a gang of scarecrows as the convicts who cluttered up the gate this morning. Faces with no chins, faces that were all chin, most of them toothless, and those that had teeth showing only black, discolored fangs. All were irritable, sweaty, dirty and ill-smelling.

"Some men who were coming in from outside gangs and were ready to go out on parole, tried to shake hands with everyone. But nobody cared whether they went out to freedom or down into the Hole."

Later in the day I had a visit from my wife, although it was a fortunate accident which finally made it possible. When she arrived a tower guard told her I was to be released in a few hours and insisted that this was so, although Mrs. Wharton knew we had made our appointment

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by letter and I had sent no further messages to her on the train or at her hotel as I would have done had my release been imminent. However, a convict who overheard them talking, and knew the guard was wrong, offered the information that I was still at work on the East Gate.

This official indifference or stupidity or whatever you choose to call it, was as typical of prison administrative slovenliness as an incident that had occurred a month before when the Warden's secretary summoned me to his office.

"A gentleman," he said impressively over the telephone, "wants to see you," and when I hurried to obey this unusual order, he led me into the

conference room where a tall and lean young man was waiting. My caller opened the interview, when the secretary had retired, by introducing himself as a Department of Justice agent. Then he pulled out paper and pencils and began to question me about a man named Bozo — where had I last seen him? where was he now? who were his friends? his family?

At that name I suspected that he was joshing me mildly, but his manner was so earnest I was sure that there must have been a Bozo in real life.

“Well,” I said at last, when the barrage of questions halted, “I never heard of him.”

The young man consulted his notes closely. Then he looked up with a hopeful glance.

“Tell me — where is Carter?”

“Upstairs,” I answered.

“Upstairs!” he exclaimed, leaning towards me intently. I nodded.

“Yes. A fine man, too. He’s the parole officer here.” The agent made a short gesture of impatience and said that this wasn’t the Carter he meant. The ridiculous interview kept up for fifteen or twenty minutes longer until

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I learned that he sought to locate an Oklahoma bootlegger named Howard Wharton.

“You’ve got the wrong man, all right,” I told him then. “I never heard of Howard Wharton. Maybe he belongs to the talking branch of the family.”

And so we parted, the agent and I, with mutual impatience and irritation. A few moments’ search of the prison records would have shown him that I was not the man he sought; still, inquiries and reports must be made, for that is a leading pastime of bureaucracy.

My visit with Mrs. Wharton was unsatisfactory to us both. The long reception room in which we met was filled with other prisoners, their wives and families, herded together beneath the watchful eyes and ears of guards who were always ready to sneer at the slightest expression of grief, sympathy and love. Occasionally, to enjoy their own importance, they would break in upon some interview with a curt and quite unnecessary command. The deeper the misery and grief around them the greater their personal satisfaction appeared to grow.

This was the room which Warden White once described to me as “better suited than my office for visitors.” Yet I knew that the day before, Rohan and Brady had received visits in his office, and three other prisoners, I was

told, had been visited there a day earlier. Was the Warden trying to fool himself or me, I wondered angrily, or did his secretary permit those visits in his sanctum without letting him know?

It was difficult, I realized, for the head of an institution containing four thousand souls to understand each individual case. But certain ones came to his notice so often that he must have known all that there was to know about them. With a few I was thoroughly familiar, and his conduct

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towards these prisoners was more than I could understand, particularly in the case of poor old Rachel.

“Guard Edmondson told me today that Rachel is dead with pneumonia,” I wrote July 26. “Before his conviction for liquor law violation, he had been a deputy marshal, and only a few months more would have had to pass before he would have gone free. Every day he wrote the Warden: ‘Dear, good Warden, for the love of God and the good of my soul, please do something to help me! Let me go to my brother’s farm. This confinement is driving me crazy — I can’t stand it! Please help me to get out!’

“Of course he was crazy. I knew it and so would anyone else who had cared; but they just gave him the ‘thumps’ to keep him quiet when he got too noisy and let it go at that. Finally the Warden grew annoyed at his constant pleadings and wrote him, ‘Why don’t you take your punishment like a man?’

“Soon after that the pitiful old man ‘blew his top’ entirely and they had to take him over to Annex Four where he ended his days.”

I wonder if Mr. White, in his final months as Leavenworth’s warden, ever thought of poor, demented Rachel at night, when he reflected on the vast responsibility that was his: the absolute control of four thousand human beings, more than half of whom are subnormal mentally when they arrive, and the majority of the others who will not be normal when they leave?

Rachel was one of the most pathetic characters in prison, utterly harmless, old, feeble and crushed beneath the shame and disgrace which never would have ruined his obscure life but for the collective insanity of our bone-dry cultists twisted into a national law. He was just one more of Prohibition’s wretched victims — the saddest group in Leavenworth’s convict population, men who were neither

thieves nor killers and whose only crime was trafficking in liquor which respectable people buy freely to serve in their homes or clubs.

Old Rachel had many prototypes in that prison, and when the spectacle of their misery threatened to prove too much for my self-control, I sought the company of Big Abe or Johnny Bigerowski, two natural comics, who provided most of us with a laugh now and then.

Big Abe was a carpenter and he hailed from around Saginaw, Michigan. He was very fond of whisky and so after prohibition arrived, they gathered him up and sent him down to Leavenworth where we met in H parole. Soon he was transferred to work at the chicken ranch and ordered to live in G parole, a filthy pigsty where the trusties from Number One farm, the cow barns, and other outside places lived.

In contrast to H parole, the cleanest ward in prison thanks to Walter Barnes, its head orderly, it was enough to make Big Abe break forth in loud, protesting bleats. Some of the men with whom he would have to live slept in their overalls; most of them used the sheets as handkerchiefs, and altogether they lived in unbelievable squalor.

Through a happy chance I was able to keep Big Abe in H parole, a favor for which he was briefly, childishly grateful. Yet some months later, when he boasted of having hidden a cache of apples “where none of you wise guys’ll ever find it,” the incident and his loud speeches of gratitude seemed to have been completely erased from his memory. In fact, Big Abe seemed to include me in the category of “wise guys,” and before long I started speculating on the hiding place of his apples. During my time on the chicken ranch, I recalled, I had helped stamp out a prairie fire in that section one day, and as I followed the creeping tongue of flame I happened across a niche at the

foot of a creek running through the orchard to a swamp which edged the reservation. Somehow I could not dismiss the idea that Big Abe had happened across it, too, and when I met Mack, the outside plumber, early next Sunday morning, I said:

“Let’s take a walk over into the orchard. I’ve got an idea about those apples and we might as well try it out.”

We made straight for the niche. There, to our intense delight, were the apples, nearly two gunnysacks full. In high glee we carried them away to a house where the cook was a friend of ours, and asked him to bake us a few apple pies. For this work, as well as the ingredients he used, we paid him in apples; then, the following Tuesday night, seven of us, including Big Abe and the little Tinker — a tinsmith from around St. Paul — sat down to our luscious, secret feast.

Big Abe smacked his lips with enjoyment at every mouthful, and all the time he was devouring huge pieces of pie, we pleaded with him for a few of his hidden apples.

“Ah listen, Abe,” someone wheedled, “if you could get us a sack of them we could get three or four pies made up for our gang.”

But to all such entreaties Big Abe grinned craftily and shook his head. He didn’t have that many, he protested; then he would chuckle at our downcast expressions although they didn’t move him to relent. The next day, however, some sixth sense must have told him to take a look at his treasure, for I saw him slipping out through the orchard, furtively but in great haste, and a little while later I watched him come back looking positively sick.

For weeks thereafter his life was a torment. Everyone took turns at inviting him to apple showers, cider parties and pie receptions, and this kept up until the day of his release.

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As for Johnny Bigerowski, he came from Michigan, too, and like Big Abe, it was his consuming vanity that made him the butt of a joke spun out over months.

Johnny had delusions of grandeur; he fancied himself a power in the financial world, although he won his place in the ranks at Leavenworth by forging a soldier’s check of so small an amount that it was scarcely more than petty larceny. He also believed himself to be a devil with the women, and one of his favorite yarns was the tale of enormous sums of money from oil lands, piling up in the bank at home, which he planned to enjoy with some fair charmer as soon as he was released.

The man who shared his cell upstairs over H parole, in cellhouse A, spread the word of Johnny’s delusions and his gullibility far and wide. Everyone talked of it, and it was inevitable that some plot would be hatched

to make him stumble over his own weaknesses. Johnny, however, supplied the cue.

One evening he noticed a woman's picture on the cell wall and he eyed it in rapt admiration.

"Say, who is she?" he demanded finally, coming out of his trance. "I could ask her to spend some of my money with me."

"Oh," said the friend, "she's a lady who's pretty rich herself. She wouldn't need your dough, Johnny. Besides, she's got a lot of drag in politics — I mean all over the country, not only in the state. I wrote to ask her help in gettin' me out of here, see? And she sent me her picture."

Actually, it was a photograph of the cellmate's sister, but the chance to kid Johnny was too good to miss. Next day his sighs and his soulful glances were duly reported to everyone during exercise hour in the prison yard, and it wasn't long before Bigerowski was urged to appeal on his own behalf to the all-powerful lady, either for parole

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or for commutation of sentence through the Attorney General's office.

Gullible as ever, Johnny agreed, and his cellmate cautioned him:

"You got to play it careful, though. Don't write her the usual way, because the big shots here might get wise an' stop it. Better send your letters through me so's she'll know you an' me is pals, an' I'll get the letters out through a 'route,' see?"

Johnny eagerly saw. That day began a long series of letters which finally culminated in a mail-order romance which made up in ardor whatever it lacked in literacy. Each Sunday we saw Johnny in close conference with his friend at one corner of the yard, joyously receiving the love letter which a number of boys had written, although he fondly believed it had been composed by his dream girl herself and smuggled into prison.

By the time Christmas drew near, she had promised to have him released. But a week later his hopes were dashed to bits when he learned, through another letter, that she had been taken to the hospital to be parted from her appendix.

The boys kept Johnny fearfully agitated by reports of her condition; one day they had her much improved in health, the next, at the point of death. Alternately Johnny was beside himself with radiant hope and blackest despair, and between the two he came close to hysteria.

Never once did he doubt the authenticity of those letters he received and the hoax continued until the day he went forth to enjoy his imaginary millions and make the fair lady his wife. There was a smile on his broad, homely face, a lift to his chin and a spring to his step — for didn't he have a letter in his pocket, telling him to be at the National Hotel in Leavenworth that following afternoon, when she

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would meet him and drive him home to Michigan in her sixteen-cylinder car?

I don't know what happened to Johnny after that. He never wrote to let us know; but if he hasn't arrived at some insane asylum by now, he is probably keeping up the search for his queen of queens somewhere between Leavenworth and his native state.

The tale of his romantic delusions furnished an hour's loud amusement the night we feasted on Big Abe's apples, and none enjoyed it more than the Michigan carpenter himself.

"Haw!" he scoffed, between mouthfuls of apple pie. "That Johnny Bigerowski's one dumbbell! Serves him right — he should be so foolish!"

And then Big Abe joined in the roars of laughter without the faintest suspicion that most of it was directed at himself. I don't think he ever forgave me for discovering his apples, especially as he had declared himself so forcibly on the subject of Johnny's stupidity. But words didn't come easily to Big Abe and at sight of my grin he always turned away with a growl at the back of his throat to hurry away on important business at some point where I was not likely to be.

That Sunday on which I stole his apples became memorable for another reason. I had gone on duty at the gate, after lunching on a veal chop that was mostly bone, and Guard Grebe, a fat, pleasant, little old man, came puffing along on patrol. The thermometer topped a hundred degrees, and when he stopped to mop the sweat from his face, he asked for a drink of water. I gave it to him and presently we fell to talking of one thing and another until we came to the subject of automobiles. Just as I had expressed an opinion, I was called to the gate; but I had

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gone no more than a few steps when I heard Guard Grebe say to Davey Taylor, another prisoner: "Y'know, it's a funny thing. I was just about to

make the same remark as that other gentleman.”

He meant me, and I nearly dropped in my tracks. He had gone by the time I returned and I spent the rest of the afternoon silently marveling at his words. They served to fill me with pleasurable excitement until this was interrupted around four o'clock by a car of wide-eyed tourists who drove up to the gate, eager for a peek at some real, live prisoners. Guard Cross jammed his thumb on the buzzer, but I thought it was merely a signal warning them to drive on. He stopped and another minute passed in silence while the people continued to stare at Mac and me and the other prisoners who appeared to view from time to time, as children stare at caged animals. Then again the buzzer sounded, violently, and suddenly it was drowned in a roar of rage from Cross.

“Hey, you ——, are you asleep?” he yelled down at me from his post in the tower. “Want me to wake you up? Why’n hell don’t you pay attention to me when I ring? Close up, you? Get in here — quick!”

It was then a full twenty minutes before the usual closing time, but Cross had seen another chance to abuse a convict and he played it for all it was worth. I got to my feet and started pushing the huge gates shut, while the suddenly startled tourists drove on in a hurry.

As if Cross and the myriad other unpleasant phases of Leavenworth life were not enough, Mac and I had a further burden to bear in the person of a cadaverous, gloomy convict from Marshalltown, Iowa. He was named Squires, and it was his habit to spend his day off duty pacing the length of the sallepport for hours at a time, shooting streams of tobacco juice through his toothless

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gums. This performance he alternated by eating bread and milk cadged from the Little Dan, Leavenworth’s combination lunch and garbage wagon, and usually about the time Mac and I were irritable from the work and heat, Squires would ask in a sepulchral voice:

“Oh! What do you suppose is the matter with my stomach these days? I don’t eat very much,” this after he had swallowed half a pint of milk on top of two or more thick hunks of bread.

One day Mac offered a free diagnosis, and with such force that Squires’ eyelids fluttered in his blanching face. We weren’t annoyed with his complaint again; however, as I was on the point of congratulating Mac, the Iowan devised another little act which he performed whenever Mac and I



were ordered to sweep the pavement. Once our brooms went into action, he flopped down in distress, gasping and blinking violently.

“It’s my heart,” he cried to us. “My heart’s gone back on me I guess. It’s beating like thunder.”

But Mac swept a cloud of dust towards the supine Squires and that ended the heart attacks. He got to his feet and shuffled petulantly towards the West gate and disappeared within. To both of those lamentations, his chorus remained unchanged, and I recall it clearly yet.

“Well, fellows,” he would whine, “this sure has cured me! This will be a lesson to me that I’ll never forget. They need never fear that I’ll violate the law again — Oh! why did I ever get mixed up with that German!”

“That German” was his erstwhile employer he had told us countless times, a photographer who dabbled in counterfeit ten dollar bills as a side line.

“But he kept his plates in my house,” moaned Squires, “and he even paid me with some of the bills — the crook! Why, would you believe it, when the government got after

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him he turned me over and went scot free himself! Oh! Why did I ever get mixed up with that fellow, anyhow?”

When he arrived in prison, Squires was too poor to pay for the stamps on his letters. He was pathetically anxious to win the forgiveness of his wife and daughter by sending them beaded bags or garters made by other convicts, but he had no money to buy any of these things. At length he approached a prisoner named Ward, who came from Claire, Michigan, and told him a yarn about expecting a carton of cigarets the following Sunday.

“I’ve got to have a carton right away, though,” he continued, “because I’ve got a chance to trade it in for some presents.”

Ward gave him the cigarets a few hours later, but Squires completely forgot to repay him, and so far as I know he never did. His power of invention was excellent, however, and besides the numerous excuses he made to Ward each time they met, he persuaded another convict, meanwhile, to pay postage on the gifts he sent home to his family.

In a way, Squires was enough to excite anyone’s pity, he was so determined to propitiate his wife and their daughter at any cost to himself. He often roused me to anger by his performances in the salleport, yet I saw they were his means of rousing sympathy and friendship and the aid it

brings, but in the end I controlled my temper and prayed that someone might give him a backbone in place of the wishbone that cursed him. When he was released from prison and went forth with the light of fervent reform burning in his hollow eyes, he still had to face the world, and that battle to come back is the toughest task an ex-convict has to face.

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## CHAPTER THIRTEEN

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### ESCAPES

PRISON BREAKS make exciting front page stories for newspapers; they provide vicarious thrills for the law-abiding citizen reading about them in the tranquil safety of his home. But to the men behind prison walls they are at once exciting and bitter because each convict pictures himself making the daring escape, enduring the hazards, the fear of detection, and finally the delirious joys of freedom.

It was early on February 28th of 1930 that the word sped over Leavenworth: "Two fellas made it today! Whadd'y know! Two of 'em!"

The men were Keating and Holden, each sentenced from Chicago to twenty-five years for mail robbery, of which they had served but twenty-one months. They were not allowed outside the walls, and when prison officials discovered that both were missing, they worked themselves into a nervous frenzy trying to find by what means the coup had been turned.

Some hours later, two convict uniforms were discovered on the highway leading from Leavenworth, together with a pair of passes, perfect forgeries of the slips commonly used by trusties in going through the prison gates to the

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grounds outside. Each pass bore the prisoner's picture, his description, the hours during which he was allowed outside, and other customary data. Under the system then in force, guards would compare these pictures and descriptions with the men offering them, then check the names and numbers with those on his list of convicts to whom such papers were issued.

Keating and Holden had contrived to provide themselves with the proper passes and their own photographs, and after that they filled in some names and numbers of other prisoners they knew to be on the guards' lists. It was the stupid system alone which made their escapes possible; yet when the

ease with which they had reached the outer world became known, the prison was in an uproar and the guard was discharged. He had done no more and no less than his duty, but someone had to be made the scapegoat in order to avert the wrath from Washington. After that the system was changed, each guard received a complete photograph gallery of the trustees in addition to his list of names and numbers so that he could make a triple instead of a double check on the men going outside the walls.

Their achievement was gossiped about for months until they were recaptured. During their nights in cells and parole rooms, convicts delighted to argue over the best means by which to “beat the walls”; even those who would not dare to execute such bold attempts lent their voices to the discussions. The amount of ingenuity they employed in these imaginary prison breaks was little short of amazing, and perhaps all this wild speculation had much to do with a second attempt at escape which took place towards the end of that following July.

Here again two men were involved. They had been working in the shale pit and neither had more than sixty

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days to serve until the expiration of his term. Someone said they were crazy. Perhaps. But if they were then Jean Valjean was crazy, too. So was Patrick Henry when he cried: “Give me liberty or give me death!”

The sensation of the men’s disappearance was short lived, however. Next day towards dusk they were captured and thrown in the Hole while the guards launched a campaign among the other prisoners designed to fill them with fear and to turn them against the men whose desperate act might have spurred some of them to emulation.

“Well,” said the guards at every chance, “those boys have certainly made it tough for the rest of you fellows! Don’t know what’s going to happen, but whatever it is you can thank that pair of —— for it.”

This was poison, of course, and it had its calculated effect. There was general satisfaction among the convict population that the pair had been captured; that they had forfeited their parole and faced the probability of many more years in prison because of their thwarted attempt at escape.

“Serves ’em right,” said one of the men in my parole room that night. “They on’y made it tough for the rest of us...”

“Sure,” agreed the man working on a beaded bag. “Nobody but them two dumbbells woulda done it. Sixty days more, that’s all they had to do.

An' me with more 'n' a year an' glad it ain't longer."

"Oh, I dunno," broke in Eppelheimer. "Give any of you guys a chance to break an' fifty to nothin' you'd take it."

"Sure, look at Chamberlin," Litzinger pointed out. "He got away clean — with a murder rap on him, too."

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"But he's in again," said the man with the beaded bag, his voice dark with cruel enjoyment. "He's in again, ain't he? Sure he is — in for life!"

What he said was true, and the tale behind it was just another of Leavenworth's tragedies. I knew Chamberlin well; he was old then and his sole delight was in caring for lame pigeons out at the lawn which he tended between cellhouse A and the laundry. He had lost all faith in human beings; he was filled with bitterness and a sense of futility that might have led to suicide if he had not those small, weak creatures dependent upon him. Yet we became friends, and little by little he told me his story in the listless voice of a man forever lost to life.

Years before he was in a fight near Seattle. A man was killed and Chamberlin was tried for murder. After his conviction he came to Leavenworth with a life sentence tolling in his ears, but when some winters had come and gone he contrived to escape, and being a man of resource, he took a new name under which he made his way successfully.

In the course of time he drove to his former home for a visit with his brother, and soon after his arrival he came face to face with an old prison acquaintance who recognized him at once. When they had talked for a while, the old friend began to complain that things were not as bright financially as they might be. Chamberlin promised to give him aid.

"Wait," he told the man. "I've got some money in my room and I'll give you a stake if you meet me here in an hour."

Fred kept his agreement and the man received his money with protestations of deathless gratitude. There was nothing, he said, that he would not do to repay the debt.

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By the time they parted, Chamberlin saw it was too late to drive back to his own home that day, and so he told the man:

"I won't pull out till tomorrow, but I'll let you know where to reach me. If things aren't all right, I'll be glad to send you a little change now and

then.”

The men parted, and that night Chamberlin went to sleep unaware of two roughly dressed individuals who lounged across the street. In the morning they were still there, and at first he took them for laborers. When he left the house, however, they started to follow him and he grew uneasy. The old, haunting fear of the law rose up to set him in a panic, and as the men gained on him, he walked faster. They, too, increased their pace, he noticed, and finally they overtook him.

That night Fred Chamberlin lay in the local jail.

Towards dawn the lockup keeper walked back and told him pityingly:

“Well, the jig is up. That cop who grabbed you didn’t do it on his own. Your friend — that man you gave the money to — turned you in for the hundred dollar reward they pay for an escaped convict. So you’re goin’ back where you come from.”

And that was how Fred Chamberlin returned to Leavenworth from which he will be released only by death. There he found no sympathy; the prisoners’ sole reaction was one of unholy delight at the fact that another man who beat the walls lived to see them close again about him.

Only mockery and cruel ridicule greeted the men in his class, yet there was one, Van Gorder by name, whose exploits won grudging admiration from some of the men because of his persistence and the ingenuity he displayed at trying to win his freedom.

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A middle aged man, Van Gorder worked in the parole office where he was looked upon as a quiet, dependable prisoner. In time he won such favor with the officials that they permitted him the unusual privilege of having a typewriter in his own prison quarters.

Now from the day of his entry, Van Gorder always maintained that he could have his conviction reviewed by habeas corpus proceedings, and one day his words received confirmation with the arrival of a writ from the federal court at Kansas City, together with the bond and an order for his release forthwith.

He was sent to Kansas City, but immediately dropped from sight. Officialdom’s alarm gave way to mortification when it was discovered that he had perpetrated the joke of all time: every paper, writ, bond, signature and seal was faked by him in the quiet of his prison room.

However, the man had overlooked one vital provision — money. He was unable to go far without it, and in time he was captured, still in Kansas City where he had raised a nine-cent postal money order to ninety cents.

Once returned to prison he resumed his even, monotonous routine, but his brain was busy every second, hatching another plot to escape. It was not very long before some more papers arrived at the Warden's office ordering Van Gorder's appearance before a federal court in the northern middle west, and the letter which accompanied them was signed by a woman who purported to be the judge's secretary.

Again preparations were made for Van Gorder's trip out of prison; he was given a new civilian outfit from head to foot, and Lieut. Krautz was assigned to take him to court, handcuffed all the way.

When the morning for their departure arrived, both appeared in the warden's office where the officer was to be

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given their transportation and his final instructions. In the meantime some official had been inspired to communicate with the judge's secretary, and just as Van Gorder crossed the threshold of the warden's suite on his second trip to freedom, word came back that no such woman existed.

At once guards searched the cunning but thwarted convict. In one of his pockets they found the perfect shell of a pistol made from parts stolen out of the steel shop; in another was enough red pepper to blind a regiment, and a device for blowing it into anyone's eyes — the lieutenant's undoubtedly.

Van Gorder never made a third attempt. He received five years additional sentence for his first escape, and after trying the second time his sentence was extended to the point where, I was told, it would not expire for a full thirty more. As time goes in prison, it is probable that he will die before the time arrives to release him — unless his cunning brain devises some hitherto untried means of outwitting officials and "beating the walls."

The fact that most prison breaks are discovered before they can be carried out fails to discourage a convict bent on staking his life for liberty. A few weeks after the shale pit sensation, prison guards confiscated five saws which someone had tried to get into prison by gluing them inside a package of newspapers which came through the regular delivery.

Since prison regulations forbid the acceptance of news papers unless they come from the publishers direct on regular subscription lists, the work must have been done in the publishers' mailing room.

Still, I couldn't understand why any convict, knowing the prison routine, should have tried to get them that way when saws could have been stolen from the steel shop with

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a great deal less trouble. At any rate, in consequence of that discovery, our papers were delivered to us a day late in order that each one might be thoroughly searched.

Next to yarns of men who had escaped, and of those who had been returned, I found the favorite with most prisoners was one concerning Dan and Jeff Durea, convicted of mail robbery in Oklahoma. Each of the brothers was sentenced to twenty-five years, and when I came to Leavenworth, they had rounded out eight of them. Dan had been paroled a month or two earlier, but Jeff continued to work in the hospital. I was told that the government had some doubts of Dan Durea's guilt, but he was made to do his time, whether justly or unjustly, and during his years in H parole, he won the friendship of most of its inmates.

With Jeff, however, it was another matter. He was known as a bully, a tough egg who courted trouble and swaggered to meet it. Burly and loud-mouthed, he was cordially hated by many of the prisoners, and eventually they found means to make him suffer in a way acutely unpleasant.

It happened about the time his brother's release was imminent, and by way of celebration, someone in the hospital baked a huge apple pie, two or three times the ordinary size. Its first big slice was offered to Jeff, who fell upon it greedily with the gruff remark that he was glad they had sense enough to serve him first.

In some mysterious fashion the pie vanished from sight. Someone clamored for a piece of it, but its disappearance was forgotten a few minutes later when Jeff became violently ill, so ill in fact that he stayed in bed for nearly two months afterwards.

Rumors shuttled forth and back through cellhouses and dormitories that an effort had been made to poison him,

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and Dan wrote the warden to that effect. Yet try as they might, prison officials could find no trace of poison inside or outside of Jeff, for the very good reason that none was used. Instead, someone had moistened his pie



with seventy-five drops of croton oil, a violent intestinal irritant that compares with the same amount of castor oil as castor oil to water.

Small wonder that Jeff Durea was a desperately sick man for weeks. That treatment nearly succeeded in making one less in the ranks of Oklahoma bad men and out-Mussolinied Mussolini. Later Jeff was transferred to the federal penitentiary in Atlanta because it was known that he was hated in Leavenworth and officials feared that the prisoners might “gang up” on him in the yard some day to finish what they had begun with the loaded pie.

In my diary of about this time I find these notes of other prison gossip:

“August 1, 1930: George Suder goes out today. He testified for the government against his former accomplices in Detroit, and since then he has been a conscientious stool pigeon. His reward came with the commutation of a nine year sentence into twenty-nine months. ‘Well done, thou good and faithful servant.’

“August 2, 1930: Today is an inferno of heat and a holy terror of a day at the gate. Guard Campbell was furious at his own blunders, but too swollen with his own authority to allow anyone to help him out. During the afternoon he heard me remark: ‘Damen is one of the finest men on the guard force,’ whereupon he flared: ‘Yes, a guard is fine so long as he lets you fellows do as you please. If he tries to maintain discipline he is just a dirty —— — ————.

“‘Mr. Campbell,’ I said, ‘there are some convicts who never would think of referring to a guard in such language,

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no matter what they thought.’ And if looks could kill, I would be dead now.”

Guard Campbell, singularly enough, spent his time orating on the deplorable state of national affairs. It could only end, he was convinced, in revolution. Now this was dangerous propaganda among a lot of convicts who were only too willing to become anarchists and rebels for a chance at freedom. Yet Campbell had just bought a new car; he had a far better job than I felt he deserved, and I could see no reason for his alarmist talk.

Later that same day, I wrote:

“A flash came that Jack Zuta got his in Wisconsin. Well, he should not have pointed out Moran’s headquarters on Michigan avenue. I think he was

the man who got the secret ten thousand from the Lingle fund. At any rate, it will buy him a nice casket...

"The boys are yelling in the cellhouse for water. I'm lucky. I have some lemons, oranges, ice water and sugar, so I guess I can put in the evening without calling out the fire department."

I didn't have the oranges and lemons all to myself, however. There was a kind of communistic feeling among the men with whom I was friendly in the parole ward, and whenever one of us had a generous supply of any provisions it was the understanding that he would share it with the others. When the crowd gathered for the evening's confab, therefore, I made some lemonade and we sat around to drink and talk until bedtime arrived.

"Feel another yarn comin' on tonight, Wharton?" inquired Dougherty, after he had tossed down the first glassful and sat fanning himself with his cap.

"No," I said, "I'm going to read my papers." But search as I would, the papers which had arrived that day from Chicago were not to be found. Someone had

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seen them first, and if I found them back in my bunk the next day I knew it would be a piece of rare luck. It made me angry all the same, and some of the men helped me look all through the parole room, even though they knew as well as I did that the effort was useless. We went back to my end of the ward, and Dougherty, who was feeling pretty fair after a good dinner of food he had bought through the prison clerk, persisted in his demands for a yarn.

"But I've told you about all I ever did," I protested.

"Aw no you ain't, Wharton. Come on, spin another one-you ain't got nothin' else to do." Then, with a malicious twinkle in his eye he added: "How about one of them big cases you handled when you was persecutin' people?"

"Prosecuting," I corrected. "Well, that's an idea. Did you ever hear of the Stokes case?"

"Sure! Who didn't?" he replied. "What was the lowdown on that anyway?"

I emptied my glass of lemonade and poured it full a second time. Then I sat up on my bunk, back against the wall and once I had twisted myself into some comfort, I started to tell them about the celebrated affair which ended

in Stokes' indictment for conspiracy to defame the character of his wife,  
Mrs. Helen Ellwood Stokes.

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## CHAPTER FOURTEEN

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### REMINISCENCES ON THE STOKES CASE

IT WAS at the suggestion of Harry Read, then staff reporter and later City Editor of the Chicago American, that I first entered the affairs of W. E. D. Stokes.

Read came to me on the day I had begun a robbery trial before the late Judge Timothy D. Hurley. It was, I realized, contrary to all court procedure and legal ethics to drop out of a trial which had barely started, but the story Read told me sounded of such importance that I decided to take a chance and entrust the robbery matter to my colleagues.

Mrs. Stokes had engaged the late Charles Erbstein of Chicago for her private counsel, and William C. Dannenberg as her investigator. Moreover the Hearst papers were interested in seeing Mrs. Stokes receive every advantage; but to win them a battle of unparalleled intrigue had to be waged.

Stokes was obsessed with the idea that his young wife, handsome and red-haired, had been an inmate of a notorious house in Chicago's old levee district, a place known as the Everleigh Club. Perhaps he merely pretended to believe it; at any rate, he launched the most

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despicable conspiracy to prove his assertion which any man or woman ever conceived.

At first he sued her for divorce. Defeated in that, he brought a second suit, also in New York, and it was during his efforts to build up evidence for this latter case that the conspiracy took form. He dispatched his lawyers to Chicago where they hired a Negro named Lee who had a large acquaintance among his people, and knew many who had worked in the old Twenty-second Street district dives. By occupation the man was a collector of overdue accounts for a cheap furniture company, and on occasion he

carted away the furniture for which customers of the firm were unable to pay further installments.

After getting Lee, the attorneys next hired a cab driver, Joseph Bruner, who had driven a cab in the levee sector for many years previous to its closing. These two men, it was expected, could aid in persuading some illiterate Negroes who had worked around the dives, to believe that they knew” that ‘Red-headed Helen’ who used to live at the Club.” This would be followed by the statement: “Well, that’s Mrs. Stokes, and her husband is a very rich man in New York.”

The seeds thus having been planted, Stokes would appear at these people’s houses a few days later with a couple of photograph albums under his arm, and show them pictures of Mrs. Stokes.

“This is the Red-headed Helen who lived in the Club, isn’t it!”

Following his visits, a colored lawyer would “investigate” the witnesses whom Stokes and his attorneys had prepared for their case, and finally induce them to go to Rube Foster’s garage where they signed affidavits, already prepared, to the effect that Mrs. W. E. D. Stokes once

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lived in the notorious Everleigh Club and was known to them as “Red-headed Helen.”

So thorough was the preparation for that second divorce suit, that Stokes’ people brought their own notebooks, type writers and paper, even carbon sheets, from New York to Chicago, and when they went away they took all their paraphernalia with them, including the faked photographs of Mrs. Stokes in company with colored men in one of which she appeared to be drinking champagne with a Negro.

A few days after Harry Read had gone to work on the case and obtained conclusive evidence of fraud, I had half the colored population of Chicago’s teeming south side in the State’s Attorney’s office. We were on the go day and night for a week, snatching an hour’s sleep now and then until at length we began to get results which heartened us tremendously.

To let each “witness” decide whether or not he had ever seen her before, we stood Mrs. Stokes in a room and gave her as thorough a “show-up” as we would have done with a criminal.

Confession after confession was obtained from these “witnesses” who had made the scurrilous affidavits, and each of them declared that he had never seen Mrs. Stokes in his life until that moment of the show-up. Then

Lee broke down and told his part. So did Bruner. Next we found a photographer who not only confessed to having made the faked photographs but turned the plates over to us and identified a picture of Stokes' New York lawyer as the man who had hired him to fake them.

When the plot was exposed in its villainous entirety, Stokes was indicted as well as his lawyer, the Negress who was Stokes' secretary, and half a dozen others, white and colored.

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"Dannenberg, Read and I went down to New York," I continued, as the men listened closely with never a word throughout the whole recital, "and we saw Mrs. Stokes give her husband the worst legal trouncing a man ever received. She was vindicated by our uncovering the conspiracy against her — the worst, I guess, that was ever attempted against a woman's character in an American court. Lord, what a trial that was! The famous Samuel Untermeyer was her lawyer, and the equally famous Max Steuer represented Stokes."

"Jeez!" broke in Litzinger. "What a lousy rat that guy was."

"Hell, I'd rather get a rap for murder any day," Tipton agreed. "He's lower'n a snake's belly ..."

"Lower than that," I said. "He's six feet under, pushing up daisies."

"Huh! Poison ivy or stinkweed you mean," retorted Tipton.

"Still, it's a break for the girl," Litzinger remarked.

"Did he go natural?"

"Yes. He died a natural death."

"Too damn bad!" This from Dougherty, who stood up and kicked a paper wad viciously. "So he died natural!" he growled in disgust. "Christ! There ain't any justice!"

"Well," I said, "you asked for it, didn't you?"

Litzinger got up with a chuckle to get himself some more lemonade.

"Say, it's hot enough without working up a lot more heat over somethin' you can't do anything about," he argued. "That's one thing I gotta say for this place once you're in nothin' matters."

He laughed drily. "Just the weather is all I got to kick about now. Phew! Guess I've had enough of your lemonade,

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Wharton; don't think I'll take any more, it don't seem to cool me off any."

Nothing could cool anyone appreciably that night, or that summer either. Compared to the cells, we in parole wards lived in fairly comfortable conditions, but compared to life outside the walls it was scarcely bearable.

“Wish they’d turn off the lights,” said Cotton. “It seems to make it cooler a little.”

“Well, they will soon — gee! Hell might be a hell of a place,” Eppelheimer chuckled, “but it can’t be much worse than this dump.”

The conversation dropped off little by little as each man became increasingly aware of his own personal discomfort, and soon most of them had drifted back to their bunks to lie on the sheets until it was time to undress and retire for the night.

The heat which made us so miserable kept up with infernal persistence until the following Sunday dawned and blossomed into a temperature of 103 degrees. It was terrible that day for the men who had no work assignments; they were locked in their cells with nothing to break that sweltering monotony except meals and chapel. For my own part, I enjoyed it thoroughly because with the freedom of the parole room it was something of a holiday.

After I went on duty at the gate, Guard Grebe came along and stopped to chat again in his kindly, cheerful manner, and I had an amusing interlude in the day’s dull routine when a party of two men and two women from Utica, New York, drove up to the gate. Since I was the first prisoner they saw, they began to bombard me with questions, and when they stopped to catch their breath I offered the information that I had been in prison eighteen years.

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“I’m going out next January,” I said plaintively, twisting the cap in my hand, “but I haven’t got anywheres to go. Nobody wants me now.”

“Aowh!” cried one of the women pityingly. “And how old are you now?”

“Sixty-four,” I said, hanging my head, and when I looked up their eyes were rolling towards heaven and their mouths were open in perfect O’s. “Sixty-four years and ten months,” I continued, warming to my theme, “an’ I’ve been in prison since I was a lad of twenty.”

They didn’t notice the discrepancy in my figures; they were much too excited at talking to a real, live convict, to pay close attention to what he said.

“Say,” broke in a keen young man at the wheel, “I’d like to speak to you some time. You’re a very interesting character, you know, and we could write and interest millions of people, and make ourselves a lot of money.”

I shook my head sorrowfully.

“Young man,” I said, “money doesn’t interest me. I hate money! But I would like to write a book, very much, and I’d do it too, if I had any paper.”

Half in pity, half in jest, they invited me to ride with them.

“Oh, I couldn’t think of it,” I answered, shrinking back timidly. “It’s against our rules here, and besides I’ve got to go in now and shine twenty-five pairs of shoes for the baseball teams.”

They nodded as if they understood how it was in prison life, and as I backed away I cautioned them hoarsely:

“Folks, you better drive on, ’cause if you don’t, the guard that’s up in the tower might shoot, suspectin’ me of makin’ an escape.”

They turned startled eyes up at Guard Coakeley who was on duty, gun and all, and without waiting to thank

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me for my advice, the sharp-faced youth at the wheel hastily shifted gears and shot his party along the road in alarm and haste. When they had gone, Guard Coakeley laughed.

“You’re a bigger liar than Baron Munchausen,” he cried. “And you get better every week!”

In time I became quite a character actor for the benefit of itinerant thrill-seekers. There in the broiling sun I would take my post at the gate, shirt open to the waist, no undershirt, and a handkerchief bound around my head with a long knot sticking up in front at a rakish angle.

To further improve the Long John Silver effect, I rolled my sleeves to the shoulders, and although I never learned to chew tobacco, I worked my jaws as if I were busy with a wad of it whenever some tin-can tourist rolled past.

One afternoon a boy and girl drove up to look. They were nice, ingenuous kids, I could see at a glance, and I did my best to persuade them that they beheld the successor to Silver, although I couldn’t stamp around on a wooden leg. After a time the boy approached and offered me a chew.

“Thanks,” I declined with a nod of the head. “I don’t chew anythin’ but snuff, son.”



He walked back to the car with an expression that seemed to say he had just been through one of life's big moments, and after they had gone I fell to wondering if a heavy chain in place of my broad leather key belt might not improve my costume. Then I decided that the heat had got me, and I subsided in the narrow strip of shade until it was time to close the gates for the day.

That night I dined on mock turtle soup from a can, sprinkled with lemon juice. It was my last can of soup, too, and after dinner I did some careful calculating on the

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money I had spent for food and cigarets. There was nothing left of my purchases now but that empty tin soup can, and by the time I had added my columns of figures, the total gave me a shock. I had then been in Leavenworth little more than a year, but throughout that time, my calculations showed, the expense I had undergone for decent food and the luxury of tobacco was nearly one thousand dollars.

The days that followed were marked only by the departure of some man whose sentence had expired. Every day one of them went forth with a new suit of clothes, ten dollars in money, a ticket to his destination, and a record that forever stamped him as an object of suspicion and distrust.

Most of them were prey for a class of people who lived upon their fear, their sense of disgrace and the timidity it engendered. Of all the examples I can call to mind, the most striking concerns a man who returned to Chicago, following a short term in Leavenworth, and succeeded in establishing an agency for investigations. He also undertook the protection of manufacturing plants and offices, all of it confidential business imposing a bond of trust between the agent and his client.

Years after he was well established, a rival gained possession of a prison picture showing the man's number, his sentence and his police record, which he circulated wherever he felt it would do the most harm. Of course the ex-prisoner wrote violent protests to Leavenworth officials, when he learned of it, and Mr. White, then warden, eventually succeeded in recovering the photograph and record through Chicago Police Captain John Stege, but not before untold mischief had been done.

An investigation was launched. It revealed that this rival had hired the son of a city or county employe in

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Kansas who persuaded his father to write the prison, officially requesting the document. It was sent to him in time, and the son promptly turned it over to the ex-prisoner's enemy. As I say, it was retrieved, but nothing could be done to restore the confidence and goodwill which the rehabilitated ex-convict had lost through this contemptible attack upon him.

How many more of those men to whom I said goodbye as they went through the gate to freedom would be pulled down every time they made an earnest effort to redeem themselves in the eyes of society? The majority, I was sure; for even though a man may hide his past, it is a rare thing to have him succeed at it forever, and there are few people who would willingly employ or engage in business with someone they know to be an ex-convict.

This, not imprisonment, is society's cruelest punishment for the man who breaks its laws.

But speculation on the fate of those men who went out to that silent struggle with the world was halted by the actualities of more brutal things within the prison. With August of 1930 came new and sensational rumors, and on the fourth I wrote:

"There is a tenseness in the prison tonight. Everyone knows that the day is not far off when Panzaran is to be hanged in the prison yard for the murder of Warnicke. Has he, I wonder, been told of any higher justice, a more understanding mercy than that of which humanity is capable? I doubt it, There is no strong attempt to give prisoners the solace of religion, and I also doubt if Panzaran's vicious, inhuman nature could comprehend it."

The thought occurred to me that in men who were subnormal, as the majority of Leavenworth's inmates assuredly were, the religious impulse might manifest itself in superstition. I mentioned it from time to time to some

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of the guards and prisoners, but invariably they answered that they had never seen anything to indicate it.

At that time we had three chaplains: the Rev. James W. Reed, Protestant; the Rev. W. J. Kalina, Roman Catholic, and the Jewish Rabbi, I. J. Sarasohn. Mr. Reed was a splendid man who did what he could to keep the faith in God alive among his small congregation; but as I said, religion was not encouraged at Leavenworth. Dr. Reed once was permitted to make a short prayer before noon mess every day, brief enough, to be sure, yet the

custom was discontinued by prison officials on the excuse that a change in mess hall routine to cafeteria style of service made it impractical.

One day I took my question to him, and after he had thought about it a moment, he replied:

“By George, Wharton, that never occurred to me before. As a matter of fact, though, I don’t believe I’ve ever known any man here to give the slightest sign of superstition.”

I suggested that perhaps this came about through the convict’s being wrapped up in his own miseries, his hopes of release, his hatreds and his dreams of vengeance. That far, however, the Rev. Reed refused to go. A kindly, wholesouled gentleman, he was incapable of seeing how the bitterness and despair pervaded a prisoner’s soul to the exclusion of everything else, sometimes even of hope.

There were a few men in Leavenworth who wandered from the paths of rectitude through accident, bad company or weak will. Reflection may have directed their thoughts and actions in better channels so that they reformed after their discharge, but if this reform occurred, it was in spite of, not due to their sojourn in prison.

One of the guards, Talty by name, had been a minister so it was said, although no one knew of what faith. He

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was ignorant, simple, and greatly impressed with the extent of his authority over prisoners. Now people will readily condemn a faith, a system or a fine enterprise solely through personal dislike of a man supporting it, and most of the convicts mocked religion and Talty in the same breath, on the rare moments that they thought of spiritual things.

It was Talty’s custom to carry a little book in which to write the numbers of those convicts who had offended him and who therefore must be reported for insolence and insubordination. Everyone called it his “shot book” and it was responsible for his great unpopularity with the men. Not long after I came to know him, however, the little black book and the type of mind it symbolized were responsible for loud laughter in parole wards and cellhouses, as well as certain official headquarters, at the expense of Mr. Talty — ex-man of God.

Early one morning, civilian hospital Steward Guenther came walking down the street where Talty was stationed. He was dressed in white and carried a bundle under his arm from which Talty deduced that he was a

convict worker in the hospital. At once the guard's sharp little eyes peered suspiciously at the steward.

"Where away, you?" he inquired.

"Oh," replied Guenther casually, sensing the situation at once, "just around."

Talty bridled.

"What's in that bundle?"

"Just a few little things we use in our department —"

"Let's see it!"

"Oh no — I don't think you'd be interested," said Guenther, "and really it's too much trouble to unwrap it now."

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"So that's the way you feel about it, eh?" Talty whipped out the little black book and poised his pencil as a porcupine bristles its quills. "Well, we'll see about that! What's your number?"

"Do you know," rejoined Guenther indolently as he walked on, "I believe I've forgotten it."

Talty followed at his heels like an angry terrier until both arrived at the Captain's office. There he demanded an explanation, and Guenther, ready to explode with laughter, finally gave him the number of a man long before discharged. The guard scribbled it into his shot book and stalked out while the convict workers all around turned away to hide their grins.

Later on, Talty learned what a ridiculous figure he had made of himself, and thereafter the little black book remained out of sight except when none but blue denim figures were about and there was no fear of repeating his mistake.

In sharp contrast to this erstwhile leader of a flock was one prisoner, known the world over, whose character shone like a lighthouse through a fog — strong enough, actually, to illumine even the abysmal darkness of Leavenworth. He was Doctor Frederick A. Cook, traveler, explorer, scientist and Christian gentleman, and whether he was guilty of the fraudulent stock promotions for which he was convicted I neither knew nor cared.

When he was sentenced to Leavenworth he was already past middle age, and it is now said that the oil lands which were the basis of his promotions are worth a fortune. As to his claims of discovering the North Pole, so great an authority as Roald Amundsen said he believed that even if Dr. Cook had

not reached the Pole he went farther north than any man before him, and Amundsen's word is good enough for me. Frankly, I believe that the Cook expedition

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was ridiculed and reviled because he dared dispute the claims of discovery made by a government-backed explorer, and for that effrontery his reputation had to be destroyed.

Of far greater importance to me, as his fellow prisoner, was his magnificent devotion to relieving the sufferings of those about him. As prison doctor on night duty, he worked unceasingly to care for the sick; no night was too long, no task too arduous or unpleasant. Besides his work as a physician, he edited the prison magazine, ironically called "The New Era," and under his management it was better than ever before or since.

Whatever Doctor Cook thinks of Leavenworth no man will ever know. He was released on parole, and the threat of return to prison, hanging over him like a sword of Damocles, seals his lips forever. From the great mass of prisoners bureaucracy has nothing to fear. They are inarticulate, obscure, unknown except to their families and neighbors; no one would be interested in anything they had to say, even if they knew how to express themselves.

It is safer, then, to silence men like Doctor Cook with the power of the parole board which can bring him back to Leavenworth "for violation of parole" at the first whisper of criticism — for whispers sometimes become whirlwinds, and adverse publicity is the nightmare of every man in public office.

Since he was released on parole, Dr. Cook has been honored by his appointment as Physical Director of the Boys' Brotherhood Republic. Besides, he was made an honorary member of that organization — the only other persons ever to win such distinction being President Theodore Roosevelt and Mrs. Marshall Field.

If ever Leavenworth produced a Man Who Came Back it is Dr. Cook, for when I returned to Chicago he came to visit me one day, hale, hearty, enthusiastic about his new

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work and eager to talk of his plans for the future. Yet even that delightful visit bore the parole board's shadow, for during our conversation he sought information as to the whereabouts of another parole violator.

Most of the time we reminisced (as alumni of all institutions usually do), and if Dr. Cook was guarded in his statements, and never once said an unkind word against officials, prisoners or guards, I took no pains to conceal my views on a lot of things.

“But you must admit, Wharton,” he said at last, “there are many good things about the Leavenworth system for instance the interest in sports that is maintained.”

This was another thing over which we disagreed, and although Dr. Cook must have had as clear a recollection of prison “sporting events” as I, he held to his contention, and we finally parted, good friends, but with totally different points of view. Frankly, I should have been just as cautious in his place; as it was, however, no threat of parole violation hung over me and I was as free then as I am now to criticize.

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## CHAPTER FIFTEEN

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### THE FUTILITY OF PRISON SPORTS

THE ENCOURAGEMENT of sport, which Dr. Cook mentioned, was typical of Leavenworth's contradictions, and typical also were the prisoners' reactions as they watched a contest. There were baseball games and boxing bouts introduced in the prison routine because, I suppose, some complacent theorist in high office believed it would build up character faster than dirt, depravity and bedbugs could tear it down.

Five minutes among the men watching their team at a baseball game would have taught that theorist a lot. The prisoners were totally devoid of all pride in their representatives. Whenever a game was in progress they yelled and shouted themselves hoarse — rooting for the opposing nine. They cared very little about the game itself; what they wanted to see was a sound trouncing of their cellmates so that they could mock them about it later on.

Other sports held as little appeal, save boxing, which Warden White viewed with some suspicion. The men didn't care who won a bout so long as there was a vicious and bloody exhibition. As the fighters slugged each other, the air resounded with whoops and bellows, and whenever

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a knockout occurred, their excitement mounted to frenzy that shook the walls. It was a terrifying sight.

These fights in the yard, of course, were something that they could understand instinctively, and enough private battles flared up around the prison to provide fairly steady excitement. Scarcely a week went by that did not see a knifing among the colored population, with the kitchen usually serving for a battleground.

That filthy room, where shreds of garbage were mashed into the grease covering its floor, where dirty utensils added their stench to the fetid air, was manned by white as well as colored prisoners. Constant bickering,

punctuated by jokes of the foulest order filled the air, and frequently a ferocious assault with knives or cleavers carved a niche for a new recruit in the kitchen gang. Eleven days after I arrived at Leavenworth, one of the help grabbed a meat cleaver from another and hacked a third man to pieces, although no one could discover what had roused that murderous rage.

This pastime was usually indulged in by Negroes as a climax to boasting contests. Like small children they would flock together and glorify themselves before an audience of their fellows, one man leading off with a tale of his own dauntless spirit. Presently a derisive voice would taunt:

“Oh, shua, shua, you is a hot dawg, you is! Why dat lil no’count nigger half yo’ size which carries d’ slop, tole me he’d put you in d’ bottom uv his slop can an’ fertilize d’ hawgs wiv you, ever you bats an eye at him!”

“What you sayin’ Jungo!” the boastful one would demand fiercely. “Why, Ah c’n lick dat slop boy an’ you togedder! Jes’ come to d’ kitchen tomorrer; I saddles you bofe an’ drives you an’ him on yo’ han’s an’ knees froo dat mess hall...”

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“Hoh! You an how many else?.....”

“An’ I makes you eat slop outen my han’ an den.....”

Invariably the crowd which gathered egged them on; this was good, clean, hilarious fun. But next day, to make good his foolish boast, the man usually lashed himself into a fury, snatched up a knife, and a moment later there was a flash of steel, a cry of mortal terror and a blood-spattered figure sprawling on the floor.

No one outside the walls ever heard of these things, yet the word would spread over the prison grapevine with lightning speed to every shop and cellhouse, before an injured man reached the hospital. The brick yard was like the hub of an electrically charged terminal with the alternating current of news flowing in from all over the prison and flowing out again with its fresh dispatches of rumor, fact or conjecture.

Those sporadic knifings were visible eruptions which proved to every convict that he lived on the crust of a volcano constantly threatening to erupt at any moment to his painful cost. Added to loss of liberty, a torture in itself, was the constant possibility that some sudden burst of rage might keep a man behind bars for many years longer than his original sentence. This is not mere hearsay or observation on my part — I came too close to



that experience myself to make light of its danger, first with Newt Thompson, and later on with Ted, a Negro orderly in our parole ward.

This Ted made a great point of racial pride, although he treated the other colored men with contemptuous airs, and in view of the fact that he had been given a thirty year sentence for murdering a man during a holdup in Washington, D. C., he had the reputation of being a thoroughly bad man.

I incurred his displeasure one night during a talk with

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some of my room mates over a story in the Chicago Tribune. It described the act of a white woman and a Negro which was part of that season's Folies Bergeres in Paris, and quoting from the article, I used the word "nigger." Almost before it had left my lips, Ted charged in from an adjoining room to denounce me.

"Say!" he cried, his eyes rolling, his hands swinging unpleasantly. "Ain' I always treated you right?" "Of course you have, Ted," I replied. "Then why you use that word! Tha's a word I cain't stan' an' won't stan' from no man!"

Outside a prison I would have stopped that performance abruptly, but there I had to live with the man. Moreover, he kept our parole room in order, and besides the thousand petty annoyances he could inflict, he was in a position to beat me unmercifully the moment he caught me alone.

"Wait a minute," I said hastily. "I'm only reading from a Tribune story. Here — see what it says?"

I held the newspaper up, and he glared at it horribly; but to my great relief I saw that it had diverted his wrath from me. A few moments later he turned and shuffled away with a final injunction against the hated word, "an' see 'at you don't fergit it, neither."

Such arguments were constantly arising between the prisoners, and in lesser quarrels, where fists and feet took the place of knives, I have known the man who started a fight to escape punishment, while another whom he had goaded to rage was thrown in the Hole.

It was so with Tarwater, a young Irishman sent down from Springfield, Missouri, for bootlegging, and Joe Martin, a Chippewa Indian from Redlake, Minnesota, who was serving a life sentence for murder. Joe escaped one time and threw prison officials into a panic, but seventeen days later he was captured and made to do penance in

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solitary. After that he was put to work as orderly in filthy G parole room, a sharp contrast to the job he had enjoyed at the greenhouse before his break for freedom.

His smouldering resentment at finding himself back in prison led him to make life miserable for as many other convicts as possible, and when he found himself lined up behind Tarwater parading to noon mess one day, he started muttering remarks well calculated to make any man fight. Tarwater's temper was as short as his nose, and for reply he whipped around and punched the Indian soundly. When the guards rushed up to untangle them Indian Joe was battered and bloody, but instead of determining which man was the real aggressor, they hauled Tarwater away to the Hole where he spent three miserable days for winning the decision.

Among the guards, Indian Joe had a number of prototypes who enjoyed baiting men into outbursts of temper so that they could throw him into solitary or Treys. "Hard-boiled Smith" was one of the most notable, and I offer no apologies for the satisfaction I took in the news that he finally ended up "on the inside looking out." The man never ignored a chance to harass a convict, and when he ordered one disciplined, no amount of pleading could alter his decision, although it was plain that he enjoyed these appeals to his power.

In a short time I learned that this stern, unyielding attitude was merely a mask to cover some of Smith's sub-rosa activities, for Smith was "route," a guard who did favors for prisoners at a price. Those who had money he served with the slavishness of a flunkey unless they sought to intercede for someone who had incurred his displeasure — someone who could not afford to pay him to smuggle out letters and other things which would not he

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passed by the prison censor. When such a request was made, Smith would whine:

"Say, lay off! What do you want, anyway? You get everything you want, don't you? How'm I gonna cover up if I don't put the sock on someone?"

Smith did very well financially as times went on — far better than the honest guards trying to live on the pittance of \$140 which Uncle Sam paid them every month. Then at last he left the prison service and dropped out of sight completely.

Four months rolled by with no further word of him, and I had begun to forget that he ever existed. Then one morning a convict rushed up to me at the gate.

“Guess what happened to Hard-boiled Smith!” he cried excitedly. “They got him in Atlanta, but he ain’t a guard — he’s a con, now!”

Eagerly I sought for details and learned at length that during his service on the guard force at Leavenworth, Smith had joined with two prisoners who were about to be discharged. When they left he resigned and teamed up with them outside, but whether the pair returned to their old line of using the mails to defraud, assisted by their former keeper, or tried their hand at a new racket, I never found out. It was enough to know that Smith, as well as his partners, was indicted, tried, convicted, and sentenced to serve five years in prison. The ex-convicts came back to Leavenworth, but it was deemed safer for Smith to put him in Atlanta.

His downfall provided the convicts with weeks of gossip and it began to wane only when they were given another equally spicy morsel to take its place. Two guards, said the rumor that flew from one cell house to another, had been dismissed for serious charges; one was to be tried; he was to be imprisoned; he was not to be imprisoned; he

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was not to be tried; yes he was, they both were; no, they were not. And so the first report was twisted, tortured, until the only recognizable fact in the mass of lurid stories the rumor left in its wake was that two guards were in trouble.

I made a few inquiries of my own, and it was said that the guard named Bradley, assigned to the narcotic addicts’ quarters over at Fort Leavenworth, had been caught smuggling contraband to some of his prisoners. The other guard who had been discharged, earned his dismissal for padding his expense account on a trip with prisoners, an offense for which I could scarcely blame him. Perhaps, like many of the guards, he had a family to feed and clothe, rent to pay, besides furnishing his own uniforms on his \$140 a month.

Travelling salesmen do the same thing as he had done; making up the “swindle sheet” is a standing joke with everyone who has an expense account. But in Leavenworth the peculiar moral standards considered this an outrage, although officialdom turned its blind eye upon the unspeakable conditions prevailing in the kitchen, the thievery, the waste, the appalling

habits in which many prisoners indulged and smirked about to their fellow inmates.

Still, bad news of any sort, so long as it concerned someone else, was always good news to the majority of convicts. A few days after the guards' dismissal, word came from Chicago that brightened many a face behind the bars; convict McCormick, released on parole eighteen months before, had been caught by the law again, this time for an alleged stock and bond fraud.

During his stay in Leavenworth he had made himself acutely unpopular in his post as the warden's convict secretary by using his reflected authority as a club over

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the other men. At the time he went out, convicts Murdick and Claude Sweezey went with him, but Sweezey returned, too. All three were intelligent, fairly well educated, and possessed the ability to make their way honestly in the world, but they preferred to be crooked. It was their sort of man who makes society vindictive towards all paroled convicts, even those sincerely eager to begin again and live within the law.

Yet since I never had known McCormick or the others, this news held slight interest for me. Besides I was too concerned those days with fresh outbreaks from my own pet detestation among the guards — Captain Dribble — who shared with Little Dan, the prison carryall truck, the distinction of making my life at the East gate a succession of miserable days.

Little Dan trundled forth from the prison and back about eight times a day, and each time it went through the gates, Mac and I had to drag them open and shove them to in as foul a stench as anyone can imagine. In warm weather a whiff of that filthy slop wagon drove my appetite away completely. Its inner surfaces, including the tailboard, were covered with a thick slime and plastered with buzzing flies from May until November.

At eleven each morning it would return from the garbage dumps to be sluiced out carelessly with water and backed up to the kitchen door where metal boxes packed with bread and milk cans containing food for the prisoners working at Number One farm were loaded upon it. Many of the covers were slammed on so hurriedly that they slid off as the rickety old wagon rattled on its way carrying food for from sixty to one hundred men.

One day Foreman Marx, who was in charge of building the receiving house for supplies, stood near the gate as Little Dan came lumbering by.

“There goes the lunch wagon,” I remarked to Mac, and Marx looked up in protest.

“Why,” he exclaimed, “that’s to feed the pigs.”

“This trip it does,” I answered, “but next time it will go to feed the boys at Number One farm. Come back a little after eleven and you’ll see.”

He left soon after, but promptly at eleven he was back again, just as the donkey engine and a box car containing dinners pulled through the gate.

“Guess you missed it today, didn’t you?” he chided good naturedly.

“Not at all, Mr. Marx. That dinner is for the men in the shale pit,” I explained. “Just be patient a little while longer.”

He nodded agreeable and climbed into his automobile where he began to unwrap the wax paper from about his lunch. Just as he had swallowed the first few bites of bread and cheese I called to him, seeing Little Dan pull through the west gates. Marx got out of his car and came over to where I stood. We said nothing as the vile-smelling thing banged past, but I stole a look at his face, and his expression was one of such extreme disgust — lips drawn down, eyes shut tight, nostrils half-way to his eyebrows — that burst into laughter even though I found the stench as sickening as he did. A moment later Marx laughed too, but he didn’t go back to his lunch.

Like Little Dan the offensiveness of Captain Dribble increased with the heat. Dribble was much in company with another guard who had seen service in the guard force in Atlanta where, it was said, a convict threw him over a gallery, a fall he survived only by landing on his head. In time we came to nickname Dribble and his companion Mr. Big Importance and Mr. Little Importance,

because they irritated us like stinging gadflies annoy horses in summertime.

When Little I. was on duty at the gate it was nothing uncommon for him to contradict orders of other guards while we prisoners fearfully realized that to disobey any one of them was to invite a stay in the Hole. We were strictly forbidden to open the East gate until the inner, or West gate, three hundred feet to the rear, was locked. Often before the back gates had been closed, a guard would call sharply to Mac and me:

“All right. Open up!”

Mr. Little Importance would look at us — not the guard — with a sign of angry dissent, and the only thing we could do was to pray fervently that some miracle might plant a glimmer of sense in either one of their heads.

Dislike among the guards was common, for many of the decent ones despised the arrogance and cursing of their fellows, and these, in return, resented the others' lack of bombast. Mr. Little Importance and his kind were fiercely jealous of Lieut. Krautz, probably because the lieutenant knew how to maintain order and respect for his authority without resorting to obscene language, and it was a favorite stunt of his critics to confer solemnly about his shortcomings when he was out of sight.

"Why that guy couldn't pass a civil examination for guard, much less a lieutenant."

"Yeh. Ain't it a joke? He thinks he's a big shot, Krautz does."

But the minute he appeared, they hastily fell to talking of harmless things, the weather, the state of their health, one prisoner or another, while they touched their caps in salute. Aware of his sneaking disloyalty, Mac and I developed a healthy contempt for Little I. and because he resembled nothing so much as a bantam rooster strutting

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in the barnyard parade, we changed his nickname to Shorty. He had not been on the East gate very long before he realized how we felt towards him, and as his duties left him lots of time in which to do nothing, he was bound to arrive, sooner or later, at some means of instilling us with proper respect for authority.

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## CHAPTER SIXTEEN

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### WE HAVE CALLERS

MAC AND I had been standing at our posts, the sweat soaking through shirts, trousers and the bandannas tied about our heads, eyeing the bare brown earth baking under the sun. Presently Shorty snorted in discomfort and spat forth his plug of chewing tobacco. Guard Coakeley laughed at him from his post in the tower, and I remarked to Mac:

“He’ll be begging for a chew inside of two hours, I’ll bet.”

Coakeley laughed again, but Shorty scowled and eyed us balefully through several sweltering moments. Then he suddenly brightened.

“Well, boys,” he piped, a nasty grin sliding over his face, “guess you better sweep up today. If you don’t it won’t be done till Monday, so make it snappy, see?”

At that moment it was one hundred degrees in the shade, but Shorty stood it manfully, he even laughed as he watched us get to work with our brooms. It intensified his pleasure to know that Guard Coakeley could not countermand the order, although Coakeley was humane enough to have done so if he had had the authority. Hugely pleased at his victory, Shorty glanced up at the tower

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guard now and then when he wearied of smirking at Mac and me, but Coakeley coolly ignored him by watching the men outside the walls.

Bad food, intolerable heat and the feuds between guards which ended in ultimate cost to the prisoners, combined to make that summer the worst I endured in my life. Yet now and then a thread of humor slid through that desolate fabric and brought the needed leaven of laughter. Sometimes it came from guards like Talty; sometimes from prisoners like Big Abe or Bigerowski, and once in awhile a tin-can tourist furnished a rare moment of comedy.

In this last category was the cornfed siren who pulled up a short distance outside the gate where Mac and I were lounging one afternoon. She was fat, primed and painted to a staggering degree, and when her round china eyes spotted us, she picked up a white woolly dog from her lap and pointed a pudgy finger in our direction.

“Soogar plum,” she yammered coyly into the poodle’s floppy ear, “does ’um see naughty convicts, does ’um?”

Mac nearly had a fit of apoplexy, but I doubled up with laughter as the siren rode on in a whirl of white dust and a righteous air of having given her pink-eyed pup an object lesson in good behavior.

“Bet she wanted to warn him so he wouldn’t get grabbed for disorderly conduct against any fireplugs or United States mail boxes,” I managed to gasp when I had caught my breath. But the idea of that pup being arrested, tried and sentenced to the House of Correction got the better of my self-control again and I collapsed in another fit of laughing until I had to sit down on the ground. It stayed with me until I fell asleep that night, chuckling and snorting, but Mac failed to see anything humorous about it.

He was beside himself with rage — I never saw him so furious — and the stream of descriptive epithets he hurled

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after her fascinated me, by its fluency and endless variety, into sober, admiring attention. I think he talked for fifteen minutes without once repeating himself, and from time to time throughout the rest of the day he assuaged his indignation with a repetition of the phrases best descriptive of the siren’s physical, moral and ancestral handicaps.

That night, as I recounted the incident to my friends in the parole ward, Freddie Zehrl walked in. He was all set for a discussion on Tolstoy, but nobody was interested, and presently he began to talk about our first night together in quarters. Naturally that led us back to Big Tim Sullivan — it must have been the fiftieth time his stout shade had walked through Leavenworth.

“Yeh, we already heard about that guy,” grinned Oliver Dougherty. “If he’s as much of a big shot where he is now, he maybe could pull a miracle and get his pal Wharton out of the can!”

“Well, if he can’t it isn’t because he don’t want to,” Freddie defended, with surprising heat. “He sure was one grand guy!”

“How do you know — you never met him,” mocked Dougherty.



“Wharton’s word is good enough for me! Freddie looked a bit nettled; he had the faculty for getting off on the wrong foot and it kept him in difficulty all the time he remained in Leavenworth. Later he managed to get into a fight which brought about his denial of parole, and most of the time he was being severely disciplined for minor infractions of rules, such as wandering up to another parole room or cellhouse to visit and talk. Dougherty was keenly amused at his militant defense of Big Tim Sullivan, but I would not see Freddie baited into a temper, so I picked up the conversation and kept it going until he had calmed down.

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“Big Tim was for his friends no matter whether they were right or wrong. He was true blue, and that’s more than you can say for most men —”

“Well, he got rich at it!”

“You’ve got him wrong, Tipton. He did me favors time and time again and never asked for anything in return. Why once I even got him to reinstate Bob Rogers, who had been ruled off the racetrack because his horse Garnish was hopped up in a race.

“Rogers and I used to play poker together in the stock yards district, and he came to me one night when I was in a game and told me he’d been ruled off all the tracks in the East. He asked me to put in a good word for him with Sullivan, because Tim owned half of the Jamaica track at that time and had lots of influence.

“I finally left for New York and there I went straight to the Occidental Hotel at Broome street and the Bowery where Tim had a suite of rooms. But every time I tried to see him he sent down his secretary, Harry Applebaum, and Harry gave me the runaround. We went to theaters, we saw Grant’s Tomb and the Battery, and we dined at every good spot on Broadway, but it never brought me any closer to Big Tim, although I told Harry a hundred times what I wanted.”

“Well, howja get Rogers fixed up?” demanded Young who had no patience with details.

“Let the story come to you,” I told him. “You’ll hear. Now, one night I was sitting down in the hotel lobby waiting for Applebaum, when a pickpocket named Billy Lippy sidled up and said ‘Dry Dollar’ — that was Big Tim’s nickname — ‘Dry Dollar’s stallin’ you.’ ‘I know he is,’ I said.

‘How can I get hold of him?’ So Lippy told me that Tim usually walked down to the hotel from his

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apartment uptown before eight in the morning, and I gave Lippy a dollar for the tip.

“I got up with the sun next day, and parked myself behind two cases of pipes that stood on the sidewalk outside a tobacconist’s shop near the Occidental. Along about half-past seven I heard Tim’s heavy footsteps coming along, and when he had passed by I leaped out and threw my arms around his neck. ‘Here I am, boss,’ I chirped. He laughed and flushed to the roots of his hair. ‘Well, Charlie — I guess — well, I been stallin’ you....’ ‘Sure you have,’ I said. ‘But you want me to get a fellow reinstated on the thracks, my bhoy, an I promised August Belmont I’d niver ask to git annybody reinstated who’d been ruled offen ’em.’ But in the end Tim agreed to fix things up, and Rogers went back to racing. All of this didn’t cost him or me a penny outside of my fare between Chicago and New York.”

Zehrl pulled the lobe of an ear thoughtfully.

“How,” he asked at length, “did that guy get all his drag, anyway?”

“Friendship,” I said. “Everybody who knew Big Tim loved him. He was shrewd and witty; he was open-handed to a fault, and whenever there was a chance to do him a favor it wasn’t overlooked. He owned twenty-five percent of Dreamland at Coney Island and he owned a large slice of the Dewey Theater next to Tammany Hall on Fourteenth street as well as the ground it stood on. Then people were always giving him tips on the market, though in the end he lost more than he made.”

“An’ he didn’t drink,” mused Freddy.

“Not a drop,” I said. “No more did his cousin ‘Little Tim’ who did all the hustling for the crowd. Tim went around with people who liked a nip or two, but he never lost his hatred of liquor a bit.

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“Why I’ve sat with him many a time in Jack’s across from the old Hippodrome in New York, when Arnold Rothstein and Bill Fallon and Billy Halligan, the comedian, would be ordering wine, and Tim would sit there drinking water or milk or a strong cup of coffee.”

“So you knew Bill Fallon,” Litzinger broke in. “Why ‘n hell didn’t you get him to defend you at your trial? There wasn’t a mouthpiece like him.”

“I didn’t have the money,” I said, “and besides there was nothing to criticise about my defense.....” “Except that you’re here!” Dougherty laughed and wagged his head as if I had talked like a child. “Well, maybe I am — but it’s only for two years, not twenty-five. There’s a slight difference.”

“Maybe Fallon would of come out to help you just for friendship,” Freddie Zehrl broke in, but I said I had not known him that well, and besides he was no Big Tim Sullivan when it came to friendship.

“It was back in 1910 when I first met Fallon through Frank McGee, a partner in the brokerage house of E. M. Fuller & Co. Bill had already won his reputation as a famous criminal lawyer. He was magnetic as hell, a fine figure of a man, too — six feet tall and a mane of yellow hair, and there was no one like him for wise-cracks.

“He was Arnold Rothstein’s attorney and Rothstein was always jealous of him. He wanted to have people think he was as smart as Fallon, but Fallon always laughed at him. Rothstein aspired to be known as the greatest fixer in America, but it made him sore because Fallon always called him ‘The Mouse,’ and one time when a crowd of us were sitting in Jack’s, Fallon looked over at Rothstein and drawled, ‘Say, you know I never knew that a mouse had false teeth.’

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“Rothstein had spent thousands of dollars getting a set of teeth that looked natural and felt like the real thing, and he was flaming mad, but he had such control that you could only tell it by his eyes. He had been a poker player and a dice shooter in the early days when I knew him around Bridget Weber’s in the old New York Tenderloin, and he had the real poker face.

“He knew better than to offend Fallon, because he couldn’t get another lawyer equal to Bill for brains and nerve — that is, until Bill started drinking so heavily years after. In those days, though, he only took a little now and then as a stimulant when he had to go into court after sitting up working all night.”

“I know that Halligan you mentioned,” said Litzinger. “Saw him in some show or vaudeville or something. He’s a funny guy.”

“Well, he’s the one who brought Peggy Joyce to Bill Fallon,” I said. “I knew Halligan when we made mud pies together in the stockyards district. He was about six years old then, and we used to roll mud in gobs right there in the street because there wasn’t a foot of pavement in the neighborhood then, and whenever some peddler’d come by we’d sling it at him.”

“Gee, I wouldn’t mind knowin’ a guy like Sullivan,” broke in Dougherty.

“They don’t make his kind any more. And the old New York that he ruled is gone with him, too. There’ll never be another Chinatown like the one I knew when I used to stop at the Chatham Club after I got in for a visit. It was a tough, dangerous place to go to, with the dancehalls and the gangs and the Chinamen ducking out of nowhere and back again like a lot of slant-eyed shadows.

“Once when I was staying at the club, the boys hung up my picture and had a blow-out that lasted till morning,

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because I was a Republican and hanging my picture in that Democratic hangout was like putting one of Lenin or Trotsky in the White House reception room.

“A few days later I was getting ready to go back to Chicago when Johnny Connerty blew in. He worked for John McInerny, clerk of the Appellate Court in Chicago, and he wanted to see the sights before he visited his aunt who lived somewhere around Forty-second street and Broadway — that was ’way uptown then.

“Well, Johnny came banging into the backroom where the boys were drinking beer out of a big pail, but he couldn’t find me. Then he went upstairs to the cabaret and while he was there I walked in. But that place was too tame for him, though — Johnny wanted to be shocked loose from his back teeth and the only thing to do was to lead him to the dives as fast as he could walk.

“So we left the Chatham Club and walked down Doyer street where, five houses away, was the home of Fat Charlie, a Chinaman who used to smoke the pipe for visitors. We went in and Johnny was pretty much impressed with the Oriental scenery around Old Charlie who sat in a teakwood chair, his pigtail slithering over one shoulder, dressed in a swell Chinese suit of silk.

“We sat around and pretty soon Charlie’s wife, who was a white woman, rolled the pills and gave him his pipe, and Charlie settled back to do his stuff while Johnny watched him pop-eyed. Fat Charlie was a funny old duck; he had a canary bird that sang all the time, and while Charlie puffed the pipe he would keep up a running fire of comment in English and Chinese to the canary, without stopping.

“But the smell of that opium was too much for Johnny. ‘Come on,’ he said, poking me in the ribs. ‘Let’s get out in the air,’ so from Fat Charlie’s I took him to Nigger

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Mike’s farther along the line. The streets were dark, the lamps were lighted with gas and they only gave a sort of pale greenish light, and what with all the toughs and the Chinamen and the crazy signs plastered against the walls, Johnny was pretty thrilled.

“When we arrived at Nigger Mike’s I took him down an alley that ran alongside and which led to another place as well but when we had gone half way down it, a couple of policemen loomed up before us. ‘Hey, you, this place is under arrest — where you going?’ Gee, you ought to have seen Connerty’s knees fold up and he started to say the rosary between cursing me for running him into the law!

“Well, I told the copper we were there under Big Tim’s protection. ‘I’m just showing my friend the sights,’ I said, and he grunted. ‘Well, now, if them headquarters guys comes in I can’t help you,’ he said, but he let us go on and I took Connerty along until we went into the place that you’d call a black and tan resort today, though in those times everyone called it a ‘soft-coal bin.’

“Johnny spent several hours getting properly horrified, and I guess by the time he got back to Chicago he thought the levee was just a little nestful of cherubim without the wings or the halos.”

“I guess Big Tim was like ‘Hinky-Dink’ Kenna or ‘Bathhouse John,’ wasn’t he, Wharton?” asked Litzinger.

“Only when he began,” I said. “Tim’s power grew far beyond anything that the Hink or the Bath ever dreamed about. They only got as far as the City Council, but Tim was in the state legislature of New York and he was in Congress. New York was his oyster, even if it cost him \$300,000 a year to maintain his supremacy on the lower East Side.....”

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“Three hundred thousand dollars!” breathed Tipton prayerfully. “An’ you’re tryin’ to tell us he wasn’t in any rackets?”

“None that weren’t legitimate.”

“Well, he didn’t get that dough in Congress,” argued Young.

“No, that was just an honor he sought, but after he got it he didn’t think it amounted to much. Once he said to me, ‘You know, Charlie, congressmen are just the same as hitching posts around Washington.’ All the same, when he got back from Europe, and when he knew that his mind was slipping, he wanted to run for Congress again so he could resign. I want to win once more, Charlie,’ he told me when we were at the Democratic Convention in Baltimore in 1912. ‘I want to win once more, for wit’ all my popularity the day will come when I’ll get beat, an’ I want to get out of politics. Just leave me get elected, then about the middle of next December you’n me’ll start out on the trip.’ But next December he was well on his way to the grave...”

“What trip did he mean?” Freddie Zehrl wanted to know.

“A three-year trip around the world. Tim spoke to me about it first when we were in Paris. ‘I’ll make you president of the Sullivan Advertising Comp’ny, if you’ll live in New York, or I’ll give you a couple of hundred thousand and you can do what you want after we get back to America.....”

“Say,” broke in Litzinger, with a fleeting wink towards Tipton, “you wasn’t in the habit of kicking the gong around with Fat Charlie, by any chance?”

“Listen! Tim was like that! It wasn’t anything for him to lend people thousands of dollars, sometimes twenty-five,

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sometimes fifty,” I retorted. “He meant every word he ever said in his life.”

“Then why did they call him ‘Dry Dollar’?” asked Christopherson. “Sounds like he was a nickel nurser.”

“He was the very opposite — Tim was a fool for giving away what he had. They called him Dry-Dollar because when he was a dirty-faced kid selling papers for a living, he saw a dollar stuck on top of a beer keg one day. He scrambled up on the truck and pulled it off, and then he ran into the back room of a saloon and put it on top of a stove to dry.

“When he got through peddling his papers he took the dollar home to his mother, but when Mrs. Sullivan saw it, she started to laugh. ‘Why Timmy,’

she told him, ‘that ain’t a real dollar you’re afther bringin’ me — it’s wan o’ thim govermint sthamps they puts on all thim beer barrels.’

“Tim liked to tell the joke on himself after he had come into his power and that’s how everyone came to call him ‘Dry-Dollar.’”

“Well,” Dougherty inquired casually, “what kep’ you from grabbin’ that coupla hundred grand?”

“Because I wasn’t to get it till the three-year trip was up, and we never made that trip. Tim’s mind began to fail him in Paris. He got those terrible rages, and after he came back to New York, before he went on to the convention at Baltimore, he grew more violent every week. At the times he was his old self, he’d say to me, ‘Charlie, I ain’t right. I got to get away from all this political stuff, all this money worry. If I could get away for even a few months, I’d be okay, Charlie. Let’s go back to Europe what say?’”

“But instead Tim returned to New York from Baltimore and entered a sanitarium. He didn’t like it, however, and he moved into the house of his brother Paddy, in Pelham

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Parkway, where they had two men guarding him day and night. Tim railed and raged at them like a maddened elephant, but when they stuck with him he tried another way to get rid of them and it worked — to cost him his life.”

“The old bean still clicked,” murmured Tipton thoughtfully.

“It did, worse luck. Tim got his guards playing pinochle with him one night and he kept it up for hours until they finally fell asleep over the table. Then he sneaked out of the house and tried to get back to the Bowery. But he tripped over some railroad tracks and a freight train stopped him from ever going anywhere again.”

“Maybe he got a break at that,” Christopherson remarked. “He was slippin’ — he’d had his fun — an’ there ain’t anything worse than learnin’ how to be a bum after you been a big shot so long.....”

“Maybe. Tim lived ten years in every one of his life. He had the strength of a truckhorse and it helped him to do the work of twenty men. He made men, he broke them, and he had an uncanny ability to size people up as soon as he met them. There was Bill Sulzer, for instance — Tim never trusted him, although Sulzer was one of the wheel-horses of his organization.

“I met him in Congress, and I knew him as an underling of Big Tim. Then one time I went up to New York and met him again when I dropped into Tim’s office in the Astor Building. Tim was closeted with Krauss, his partner in the Dewey Theater, and Sulzer had to wait until their talk was over. So he drew up a chair near mine and started the conversation by asking how I, a Republican Congressman, came to be in Big Tim Sullivan’s office. I said I only got to New York a couple of times a year, ‘and,’ I said, ‘I thought I’d run over to have a talk with Tim.’ Sulzer

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eyed me with cold suspicion, but Krauss suddenly emerged from the inner office and the politician trotted in as soon as he’d left.

“Half an hour he stayed there, and when he had gone Tim called me over. ‘Charlie,’ he said, squinting reflectively after Sulzer, ‘what you think o’ that guy?’ I said he seemed pretty shrewd and cold, ‘but he’s bitter, Tim; somehow he don’t seem well-balanced.’ Tim nodded. ‘D’you know what he wants?’ he asked, taking me by the arm and leading me into his private office. ‘D’you know what he wants?’ ‘No,’ I said, ‘what?’ ‘Why,’ said Tim, ‘he’s got the gall to want me to be for him for Vice President of America!’

“I couldn’t understand Tim’s indignation at Sulzer’s request because I knew they were political bedfellows, and I said so. ‘He’s all right where he is — in Congress,’ Tim replied. ‘I tell you, Charlie, he wouldn’t be in a big executive office ten minutes before he’d have the whole caboodle of us by the heels and throw us in the can.’

“Tim was a pretty accurate prophet, because that was exactly what happened when Sulzer became Governor of New York; he tried to throw everyone in Tammany Hall in jail, and after a terrific battle, Sulzer went down to defeat. He was impeached and removed from office, and that brought his political career to a close.”

“Gee, they tried to do as much to Len Small when he was Governor of Illinois,” remarked Litzinger. “But I guess those birds in New York didn’t go about it as clumsy as the gang that tried to get Small.”

“They were all pretty foxy, Litz,” I said. “But one and all they had nothing but genuine love for Big Tim and they all fell into line behind his hearse the day he was buried. There never was a funeral like it — brass bands, mobs of people choking the streets and hanging

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out of windows, and even Charles F. Murphy, the chief of Tammany Hall, marched alongside the hearse.”

“Well, was they all of them walkin’ for joy or sorrer?” Young queried with a caustic note in his voice. “Pers’nally I’d walk across the country to see a lot of people planted. If I was out now, f’r instance, there’s.....”

“Say, what of it! What of it! You ain’t, so who cares what you’d do IF!” exclaimed Litzinger, shifting around in his chair. “I once had the same idea myself.”

We all laughed, he said it with such deadly earnestness, and Tipton grinned:

“Well, that’s somethin’ to dream about — dreamin’ ain’t against the regulations here.”

“Yeh.’ Litzinger stood up.” Pretty near time for that now. Gee, what a nine o’clock boy I turned out to be! Nobody has to worry about my stayin’ out late, gettin’ drunk, or tearin’ around with any dolls....”

One corner of his mouth twisted in a sardonic smile.

“Well, I’ll be seein’ you,” he added, walking away to his own bunk down the room.

“Gee, I better be gettin’ back,” Freddie Zehrl said anxiously. “I got into enough jams around here already!”

“Drop in again when you get the chance, Freddie,” I said. “And don’t go near the Hole in the meantime.”

After he had gone, I made some lemonade as a nightcap. Everyone left and I spent the rest of the time reading a week-old Chicago newspaper until the sound of taps made me fold it up and put it away. Then I undressed and crawled into my cot, thankful that another day was over and that I was so much nearer the dawn of my discharge from prison.

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## CHAPTER SEVENTEEN

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### TIME HANGS HEAVY

THE DAYS that followed were stifling, drearily monotonous, and no funny fat women came along to lighten my life.

“Hotter than sin tonight,” reads an entry in my diary about that time, an entry that was typical of many more which preceded and followed it. “Over one hundred degrees inside. Not a breath of air, not even outside the walls. A while ago I was invited to have some ice cream and God! it was heavenly. Three of the Egan gang from St. Louis — Dougherty, Eppelheimer and Tipton — bought three gallons on an order, and everyone in the parole room has been treated to a more than generous portion.

My three hosts that evening were among the best behaved men in Leavenworth; they were good-humored, they took their punishment philosophically. Eppelheimer never lost his sunny view of life. Tipton was quiet, slow in his judgments, and listened closely to other men’s opinions. In contrast, Dougherty was more like a firecracker, given to snap judgments, quick outbursts of mirth and eager for an argument whether it was over the prison baseball team which he managed or something altogether trivial.

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After the last spoonful of ice cream had disappeared, time hung heavy on our hands. There was no prison scandal or sensational story in our newspapers that had not been hashed and rehashed from every possible viewpoint, and Virgil Litzinger suggested that I spin another yarn about the fun and fury of political battles in which I fought when most of them were mere children. Besides myself, he was the only other Chicago man in our group; he was familiar with my public activities because his uncle, Edward R. Litsinger, who changed the spelling of his name, was an old-time political associate of mine, and he delighted to hear the story of my election to Congress, a campaign his uncle had declined to make.

“Uncle Eddy is usually a pretty good political guesser,” Virgil observed drily. “How did it happen that you took the job?”

“Because they all thought a Republican didn’t have a chance in that district,” I said. “I asked for the nomination in 1904 when Roosevelt ran for President on his own, after he served McKinley’s unexpired term. The big shots in Deneen’s camp tried to get Mr. Litsinger to take the nomination instead of going to the national convention as a delegate, but he laughed at them.

“You see, back o’ the yards was the district’s thickest voting area. Its people there voted the Democratic ticket as regularly as they went to church, ate fish on Fridays and gathered at wakes of the dear departed. Year after year the same old 13,000 majority was rolled up for the Democrats except when it rose by a few thousand more.

“But that year I was twenty-seven, an age when nothing seems impossible, and besides there was such a wave of socialism that it threatened to split the Democratic ranks to the benefit of Republicans. That was just what happened, and I was elected by 5,600 votes. And then you

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should have seen all the smart boys leaning against the political wailing wall...”

“Wadja do down in Washington?” Dougherty interrupted, grinning.

“Introduced myself, got in a row with President Roosevelt over his stock yards investigation, made friends with Uncle Joe Cannon and roamed around with Tim,” I answered. “Say, you should see that scrapbook of mine!”

I began to laugh at the memory of that afternoon when John Sharpe Williams of Mississippi gave me the nickname of “Boy Congressman.”

“He was minority leader of the house then — December, 1905,” I said, “and he got up a grand oration asking the ‘kids’ in the house not to join any cliques without giving them careful consideration first.

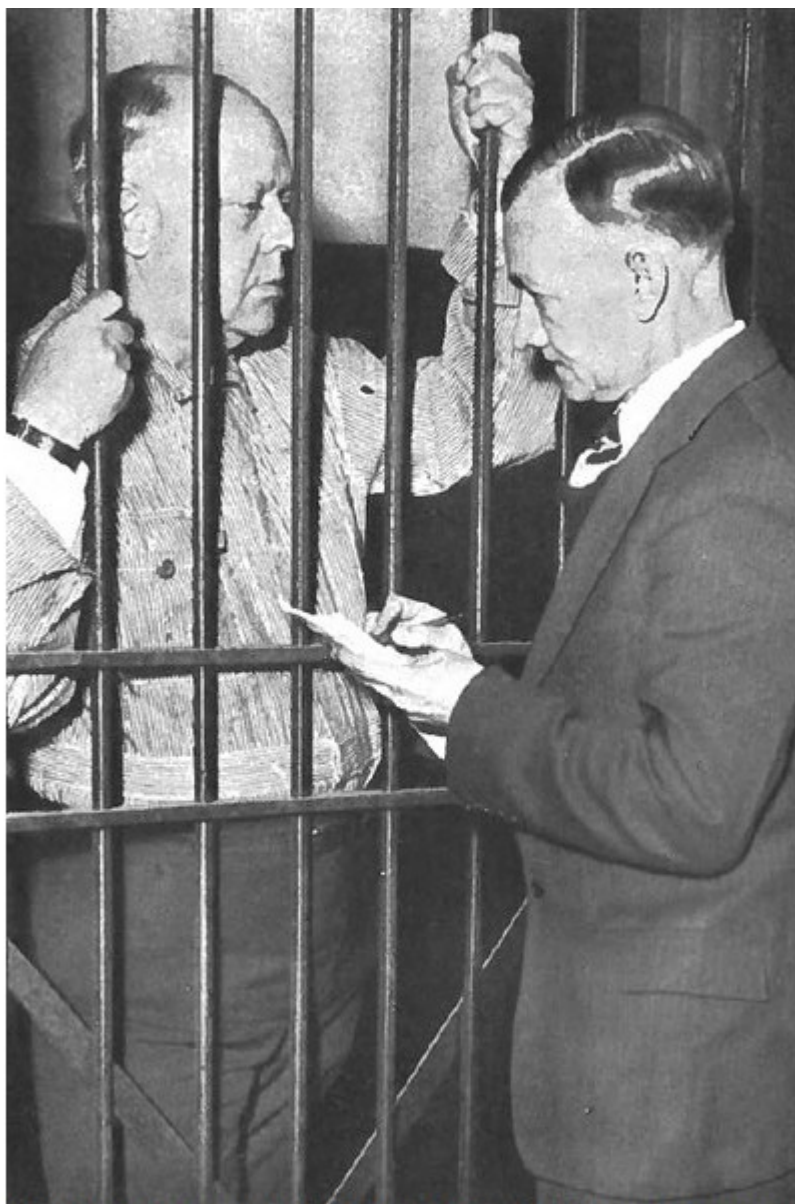
“Congressman Rodenberg of Illinois was sitting next to me, and when Williams let go that expression, he nudged me and whispered: ‘Charlie, here’s your chance to become known. Ask the speaker for permission to ask the gentleman from Mississippi a question.’

“So I stood up, and when they let me talk, I asked Williams to explain just what he meant by ‘kids.’ I tried to be dignified as blazes, but it didn’t go over; I guess I still looked very wet behind the ears. So he just glared at

me, and then pulling off his glasses he snapped: ‘Oh, the personal appearance of my interrogator is sufficient to answer that.’ I sat down in a lot of confusion, laughter swept from one end of the house to the other, and the press wires carried the story from coast to coast.”

“Sounds like Rodenberg framed you,” laughed Tipton.

“Sure he did. But I had a lot of fun. A short time later, Roosevelt sent his famous special committee to Chicago for a report on conditions in the packing plants. Upton Sinclair had just published ‘The Jungle,’ a book about the



PRISON RECORD CLERK JOHN MCCONOLOGUE TALKING WITH CHARLES S.  
WHARTON AS HE APPEARED BEHIND THE BARS IN LEAVENWORTH  
(Photo by Fred Noble, Chicago)

stockyards, which set the country by the ears. Moreover, Roosevelt blamed the packers for his earlier failure in the livestock business, according to a widespread story, and he was bent on hurting them.

“At any rate, he started to wield the Big Stick; but when the Department of Commerce report came in it didn’t suit him and he appointed a special committee, Neil and Reynolds among them, who went back to make a

second report. They had it ready a couple of days later, brief, lurid, sensational as a dime novel.”

“Nothin’ wrong with the yards,” interrupted Litzinger. “I was raised around there and some of those high society fellers in Chicago got their start there.”

“Well, those people were my constituents, and I figured they depended for work on the packers’ prosperity,” I answered, “so I was on the packers’ side. Roosevelt sent for me one day through John Callan O’Loughlin, then of the Chicago Tribune and later Assistant Secretary of State.”

“Gee!” chuckled one of the men. “Callin’ at the White House no less.....”

“Well,” I retorted grinning, “I’m a guest of the government here, too. I’ll say, though, that the White House had it over this on interior decorations.”

“So what happened, anyway,” prompted Cotton impatiently.

“O’Loughlin told me, ‘The President wants you with him in the fight he’s started.’ I said I was with him for a strict meat inspection law, but that it would have to be controlled, operated and paid for by the Government as other bureaus were.

“But you see, Roosevelt wanted the packers to pay for the cost of establishing an inspection and that was something I wouldn’t support. Uncle Joe Cannon got into

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the scrap on my side and it was a hot fight all the way. The President and the press were on one side, the packers and we on the other. The Hearst papers cartooned me as ‘The Packers’ Messenger Boy,’ but in the end the Government bore all inspection costs, and because this was a bitter defeat for Roosevelt he never entirely forgave me.”

“Well, what of it?” Litzinger wanted to know.

“Only that I was beaten for re-election,” I said. “He sent Samuel Gompers out to campaign against me, and by that time the Democrats had recovered from their Socialism. But that two years in Washington did me a lot of good nonetheless.”

“Did you do yourself any good?” Dougherty laughed.

“Sure. I got a lot of material for those lectures I gave in Chicago public schools for the Chicago Daily News, and best of all I came to know Big Tim.”

“He musta been like Big Bill Thompson, wasn’t he?” inquired Litzinger.

“Yes, in some ways,” I said. “Big Tim had plenty of nerve.”

“Well, he took his gang to Paris, like Big Bill takes them down the Mississippi,” Litzinger pointed out in quiet sarcasm, “didn’t he?”

“But Big Tim paid the bills,” I laughed. “Why he put us all up at the Normandy Hotel, and when Harry Kopf got appendicitis, Tim paid every cent of the hospital expenses.”

“Pretty white,” opined Eppelheimer.

“It was funny, though,” I continued. “We’d all nick named Kopf the Goose, and the first day out at sea he got scared. His stomach was weak to begin with and then he got to moaning for the wife and kids back on Hester street. Twenty times a day he’d lean on my shoulder and cry: ‘Oy-yoy! Vy vas I ever chump enough to come alongk

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on dis treep! Oy! Vy did I ever leef Noo Yoik! Vill I ever see mine Lena again, Varton?”

“‘Say, listen Harry,’ I said, ‘you’d think you were being deported back to Russia instead of going to Paris and other places with all your expenses paid. Anyway you’re out on the ocean now, so quit your squawking!’

“Well, about the third day out he was pretty bad. I went down to his stateroom when he failed to show on deck, and there was Big Mike Padden, coat and vest off, his shirtsleeves rolled up, kneading the Goose’s ribs and abdomen like a baker kneading dough. That was Mike’s idea of a cure for all ailments, but with every roll of the ship Kopf let loose a groan of agony and I realized he was badly hurt.

“‘Say! Lay off, Mike!’ I said. ‘You’re going to kill him if you don’t.’ But Mike got sore at that reflection on his professional skill. ‘Gowan!’ he growled. ‘I been takin’ care of Big Tim for years whenever he gets any pains, an’ Flory Sullivan an’ Christie, too, and this allus brings ’em aroun’.....’

“That didn’t impress me because I knew you couldn’t kill any of the Sullivans if you massaged them with a pile driver; I also knew that Harry Kopf wasn’t anything like Tim or Flory or Christie; so I ran for the ship’s doctor, whose name was Kelly, and I told him what was going on. ‘If you don’t stop it,’ I warned him, ‘you’ll have a corpse on your hands when we pull into Le Havre.’

“Dr. Kelly got to the Goose’s cabin in nothing flat and stopped the ‘cure’ at once. But when we landed, Harry had to be carried on a stretcher to the

train, and when we arrived in Paris he was rushed straight out to the hospital.”

Litzinger was shaking with laughter and so were all the other men around us.

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“Tough luck, gettin’ a view of a hospital room out of all that trip,” he broke in.

“That was all the poor devil saw, though, outside of the railroad station, and another station when he left. Still, he couldn’t resist the old instinct to make himself a few bucks out of it.”

“How?” demanded Christopherson.

“Trying to get ideas, huh?” Ryan grinned, kicking his foot.

“Nope,” Cotton laughed. “That’s what he’s here for, ain’t it, Chris?” Christopherson’s face darkened, but before he could find a suitable retort, Litzinger said, “Well, get on with the yarn, Wharton.”

“Did he get the dough?” demanded Tipton.

“Say whadda you care? It don’t do you any good,” Litzinger laughed, throwing himself back on the cot and blinking up at the fly-specked ceiling. “You’ll find out if you’ll shut up for a minute.”

“Kopf didn’t get a cent,” I told them, “but it wasn’t for lack of trying. Tim gave me the money to buy the Goose a first-class passage home, but Harry wanted me to turn it over to him, and when I wouldn’t he finally said he had booked passage on a different steamer than the one Tim had picked.

“He groaned and whined for the money, and finally I found out he was telling the truth. But he forgot to say that he’d bought a second-class cabin and planned to pocket the difference in price.”

“Hah!” exploded one of the men, “There’s a smart Hebrew for you!”

“Yes, but that was one time he met a smarter Irishman, Harry’s little gag didn’t work because that surplus money stayed in my pocket until he sailed, and I used it in furthering

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the noble cause of whoopee, added to the money he had given me for a cable to his wife.”

“Why, you dirty.....” began Litzinger, sitting up in angry surprise. “Since when did you go into the ‘con’ racket?”



“Wait a minute, Virgil!” I protested. “You’re ’way ahead of me. Listen: Tim didn’t want Kopf’s wife to meet him at the dock. In fact he told me so when he left for Ireland and put the Goose in my charge. So when Kopf said to me, ‘Leesten, Varton — you cable mine Lena an’ tell her vat a tarrible teeng it has heppened me,’ I just nodded and told him I’d fix up a lulu.

“That afternoon I sat out in the hospital yard with Maude Pollock and Nell Henry, and between us we figured out a cablegram sufficiently clear for Lena. It was a complete short story in itself, and we collected thirty cents a word from Harry. Then I sent Tim word of what we’d done.....”

Tipton and the rest began to laugh.

“Well, it was just as big a joke to Tim,” I went on. “He told me later in New York that he nearly split a blood vessel laughing at the smart little Harry Kopf being outwitted at his own game. But so far as I know, Harry always blamed the terrible cable service for failure to deliver his elaborately worded message to Lena in her little flat on New York’s lower East Side.”

“I used to know a guy like that,” Dougherty began. “Always chiselin’ — cuttin’ corners — a guy by the name of Jellyroll Hogan.....”

But he didn’t get on with his story. From outside the cellblock came the sudden blare of the bugle sounding taps. It was time to turn in for the night — half-past nine — and the men started going back to their bunks. In five minutes lights would go out, and our evening’s yarns were ended.

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Litzinger slid off my cot and turned to me with a dry smile.

“You’re not so bad off, Charlie,” he said. “In those days you were about my age, and you had a lot more years of fun ahead of you. Besides you’ll be out of here in a little while. Me, I’m doin’ a stretch of twenty-five.....”

I nodded, uncomfortably searching for some words that might make light of his predicament, but before I found them he lounged away with the remark:

“Well, see you tomorrow. Christ! I can stand anything but bedbugs!”

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## CHAPTER EIGHTEEN

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### PRISON GRAFT

ANYTHING could happen in Leavenworth. It had its fights, feuds, intrigues and politics, yet rackets were something new in my prison experience. One morning at mess I learned with astonishment that a “union” had been formed in the prison laundry.

“Keep in right with your laundry man,” cautioned a man who shared my wooden bench. “If you don’t, you’re out of luck, because under their ‘agreement’ you won’t be able to get anyone else to do your work.”

Of course the laundry was part of the prison organization, but some crafty mind had devised this plan to benefit himself as well as the workers. Convicts, that organizer knew, were given a fresh change of clothing after their weekly bath, although the uniforms, underwear and socks never were in the same state of repair. He decided, then, that unless a man could afford to pay the laundry workers, he would be handed a shabby, ill-fitting suit much worse than the one he turned in to be cleaned.

The tariff was two dollars and fifty cents every month, just so much insurance a man paid to get back as good clothing as he sent. Mac and I talked it over at the gate that day and agreed that this was reasonable enough for

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those prisoners who had money, but it meant just one more hardship for the penniless crowd and for those who preferred to spend what little money they received from relatives and friends for decent food.

It amazed me, the constant accumulation of troubles that rose from all quarters to plague us every day. I was willing to pay that laundry fee, although it was sheer graft, and then it passed from my mind. But in its place appeared a fresh cause for irritation, as though Providence was bound to make me endure my full share of discomfort, misery and humiliation.

I had been expecting a check for \$376 from an insurance company about that time, and when the envelope finally was delivered to me, stamped "Cash Received," the check was missing. At once I went to see the civilian officer in charge of the chief clerk's office, but another prisoner had arrived there ahead of me, and just as I entered, the official bellowed at him:

"Well, haven't you got a number you can sign? Think I'm a mind reader?"

He slid his eyes over his office force, some of whom tittered dutifully, while the prisoner reddened with mortification. After much needless noise and equally meaningless remarks from the officer, the transaction was completed. Then I stepped forward and explained my errand.

The official disclaimed all knowledge and responsibility for loss of my check and told me to go to the room where mail was received. There Superintendent Driscoll gave me the same answer and sent me back to the chief clerk's office.

"What, back so soon?" said the officer in charge. "What's your hurry? You — ha-ha! — you got plenty of time, ain't you?"

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"Unless I have that money," I told him, "I'll lose property worth thousands more than the check. I must have it."

He shrugged indifferently.

"I don't know anything about it."

"Then," I said, briding, "who does?"

Ordinarily he would have reported me for insolence, but perhaps he realized that this was a serious matter which might involve him, supposing the check to have been stolen.

"Well," he compromised grudgingly, "we'll see the warden."

Warden White, however, could not recover my check, and in the end I wrote to stop payment on it and obtained a duplicate.

The whole incident put me into an irritable mood; coupled with worry, bad food, and the intense heat, I was altogether wretched. And when next morning arrived, I was perilously close to a wild, senseless rage, for throughout the night I had scarcely slept an hour.

"Towards midnight I inspected my bed, bedding and mattress," I find in my makeshift journal for that day. "Altogether I think I inspected them forty times. Less than three weeks ago I put a torch to the metal frame and

sloshed insect juice over the bedding. Yet last night I found nests of vermin in the mattress.

“Bill and George, who occupy the other two cots in this room of One parole ward, killed at least two hundred of the loathsome things. The whole place is alive with bugs, roaches and spiders. They are in the long pine table in the hall, even in the writing desk, and Isolation is filled with them.”

After early mess I went to work at the gate in a villainous frame of mind. It was only a random idea that saved me from harming myself by getting into some

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quarrel with guards or some of my surlier fellow prisoners. As I stood at my post looking idly over the buildings, it struck me forcibly that everything — walls, wagons, cars and trucks — were covered with a dirty, grime-streaked yellow. In spite of myself I laughed.

“It’s an appropriate color,” I reflected. “If a man has a streak of it in him, prison life will surely bring it out.” And with that appeal to my pride I kept my temper under control from day to day, no matter how intense the provocation to anger.

Sunshine emphasized that repulsive color, particularly in the mess hall where it streamed through the windows, pitilessly exposing the dirt in which we ate. Through the open door which connected that room with the kitchen, one could see white, glazed-tile walls; but the slovenliness which ruled in that department won over the cleanliness of which that glimpse gave promise.

Looking back, it is hard to say which phase of prison life affected me most profoundly — idleness, officious guards, bad food, dirt, or the seething hatreds flowing through the place like invisible, powerful radio waves. Whichever I had to endure at the moment seemed worse than all the others put together, particularly when someone like Captain Dribble loomed into view.

That summer Mac and I had planted some tomato vines at the edge of a weed patch outside the gate in the neglected parkway that should have been green with grass. We did it to have the pleasure of watching them grow, but when Dribble noticed them for the first time, he commanded:

“Hey! Cut them things down!”

We ignored the order, for there was every chance that he would fail to notice them again, even after the tomatoes had ripened. He didn’t care

whether they grew or not; he

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had merely seen another chance to crack the whip over his victims.

Dribble's Boston accent and nasal twang were peculiarly fitted for the role of peevish tyrant which he filled to perfection. When gangs went through the gate under guard in the mornings, he would step to one side, a little in front of the line, and strike a pose. Then he would stride to the edge of the paved road and squirt a stream of tobacco juice at random with a single, quick jerk of his head. The third gesture in this daily rite was the slow withdrawal of a handkerchief, the deliberate wiping of his chin, followed at its conclusion by a stentorian:

"All right out there! Let the gang throoooo!"

The fact that his audience was there by compulsion seemed in no way to lessen the gratification of his vanity, and when the gang had marched out, he was ready to stalk about on his day's rounds.

A guard named Edgell was Dribble's antithesis, and my first encounter with him marked the day in red letters for me. It was afternoon, hot, dusty, disagreeable, and Edgell came hurrying up to the gate with a gang of convicts who worked outside, trying to get them through as fast as possible. He had forgotten his club, and when I handed it to him through the gate after his men were inside, he took it with a kindly nod.

"Thank you very much," he said.

I could hardly believe my ears, and I talked of nothing else in the parole room that night but his extraordinary courtesy. He was, someone told me, a civilian contractor before joining the guard corps, and having worked with gangs of men outside, he was incapable of trying to play the puny Caesar with his prisoners.

Throughout those months on the East Gate I learned a lot about men, and whatever I thought of the work, the

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post provided an unparalleled vantage point to see new aspects of the prison system, its needless stupidity and confusion of routine, its small-minded men bloated with their own petty power, and the antiquated equipment with which the prison was run.

For example, the gates themselves were two or three centuries behind the times. Cumbersome and unwieldy on their unoiled hinges, it was

impossible to close them either quietly or with speed. True, there was a distance of three hundred feet between the sallepport's inner and outer gates, but any mistake in their operation either by accident or design might have resulted in a jail break of alarming proportions.

The rules, as I have said, permitted admission of but one truck at a time; consequently, civilian trucks often waited for hours in the sun or rain or sleet, wasting the drivers' time and causing damage of varying degree to the loads they carried, much of which was meat and other provisions.

Some really discerning official once conceived a plan for building a receiving station outside the wall to accommodate these civilian trucks. A foundation twenty by twenty feet was dug; a twenty-inch trench was filled with stone, covered with concrete; even brick walls were begun. Then came a countermanding order, and the half-finished structure was left as it stood, visible proof of prison waste and inefficiency.

"Lucky for a lot of guys they don't lock people up for bein' dumb," commented Mac as he eyed the thing one time.

Then there was the day when an interstate truck delivered a small box of drugs. It was not accepted until an hour later, because the guard at the gate first went away to notify Dr. Roman at the hospital, who evidently

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was not there or forgot about it until a second call reached him fifty minutes later. He ordered the drugs received by Fowler the storekeeper, but Fowler's office telephoned to say the package must be given to Bowers, the receiving clerk. Towards the end of this performance, the truck driver who had missed his dinner and was beginning to lose his patience, grew restive. He had a load of fresh meat to deliver farther along his route, and this increased his irritation so that he jumped down and ran up to the gate.

"Hey!" he cried. "Wake up, somebody!"

This unheard-of act of lese majeste roused the guards to outrage. They stared at him, resentful, slightly incredulous. Then he yelled again. This time they saw it was actually true, the man was totally devoid of respect for official authority. But they disdained to reply, and instead, Guard Cross shouted down to Knowlton, ground guard at the inner East Gate:

"What's that truck driver mean! That guy ought to get a long stretch on Two gang shoveling coal!" Before the driver could retort, Bowers appeared and signed for the box, thus ending an hour's transaction that should have taken less than five minutes.

Another example of Leavenworth's administrative efficiency took place a few weeks later when a red auto truck arrived to deliver four cases of dynamite. Again there was a full hour's delay because it took that long to discover that the guard in charge of Isolation ward kept the powder-house key.

This occurred not long after the Lambert Lumber Company delivered four bundles of shingles which had to wait two hours on the truck until someone could be found to sign the receipt. Finally a guard scrawled his signature to the paper and left the shingles dumped in the salleport

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since it wasn't his business to see that they were properly hauled to the shop which needed them.

No attempt ever was made during my term to fill in the holes in the salleport's brick paving, although the repair would have saved much wear and tear to both prison and civilian trucks which passed over it daily. Yet this seemed to be the official idea of the right way to run a seven million dollar plant, and I knew better than to be guilty of insolence by offering any suggestions.

The same lack of ordinary common sense showed itself frequently in rules governing prisoners' privileges. The methods by which men were allowed to purchase tobacco, groceries and other supplies, were changed whenever the captain so ordered. New rules were constantly sent out about men leaving their cells on Sunday and all of these things gave rise to widespread discontent.

"Seems like everyone with a scrap of authority has got a few rules of his own to try out," I said to Mac when we discussed the latest commandment from on high. "One thing's certain, though: if there's a right and a wrong way to do anything, they'll pick the wrong way first."

"You ought to know," he said, scratching his ribs with ruminative fingers. "You was on their side of the fence, wasn't you?"

I admitted the charge, and from Mac's expression it was plain that he considered me disqualified to criticize. Still, he never expected to have me defend any of the guards, now that I was on his side of the fence, as he put it, and after Guard Campbell was assigned to our gate, Mac and I grumbled equally because it meant that he would have to learn a mass of detail and routine. The prison officials seemed to favor a system whereby a man was transferred from a post the minute he grew familiar with its work, and

it took Campbell a couple of weeks to learn that cooperation with us would lighten his work as well as ours.

Soon after he made his appearance the first morning, I tried to give him a few helpful suggestions.

“Thanks,” he snapped. “It’s up to me to run this gate. If I make mistakes I’ll stand the consequences.”

I gave him credit for his willingness to bear the blame for his faults, but I thought him a stubborn fool just the same, and the rest of that day I devoted to keeping as cool as the blistering sun and the dragging of those gates would permit. But when I went off duty, I was ready to drop with exhaustion.

Back in the parole ward, however, I had a shock that galvanized me into nervous life. A recent issue of the *Chicago American* lay on my cot, and staring at me from its second page, carefully folded back on top, was the face of Charles S. Wharton and the face of Mrs. Cecile Ware. I snatched it up to read the story which everyone in the room had devoured before me with varying degrees of satisfaction, and learned that Mrs. Ware had sworn out a warrant for my arrest, charging that I had unlawfully kept some jewels of hers. The fact was that she had given me a few diamonds as pledge for payment of a legal fee, promising to redeem them eventually with money, and when the whole dispute was thrashed out in court some time after my discharge from Leavenworth, the Hon. Joseph B. David who heard the evidence acquitted me of her charge.

Mrs. Ware herself apologized for her act one day when she rushed up to me on the street. She had been in great financial and mental stress, she said, and others had urged her to bring the action in an attempt to raise funds.

The *American’s* story, of course, printed only the facts about her warrant and the accusation back of it, all of which led my associates to joyously believe the worst.

“Sure looks bad for Wharton,” one remarked, taking pains to see that I was well within earshot. “You bet,” another returned. “That’ll put him back behind the bars all right.”

“Hell, I’m glad I ain’t in his shoes,” a third voice contributed, and thus the ball was kept rolling until my refusal to show the slightest irritation



discouraged further progress. Meantime I read and reread the story until I went to sleep with but one reaction: Mrs. Ware looked excessively fat and uninteresting in her picture.

Next morning I had little time to think about the matter in the howling confusion which arose at the gate over some steel frames nine inches too wide to fit the awnings intended for the doctor's house. The foreman danced around with rage, swearing like twenty devils, and a little to one side, Mr. Big Importance stood exchanging sage comment with Mr. Little Importance.

"That's the way men work here," observed Big I. ponderously.

"Y'r right," agreed Little I., with a slow nod of the head. "Ev'rything they do is just an experiment."

"Just an experiment," echoed Big I.

"Sure, just an experiment," returned Little I., pleased with the success of his phrase. In this way the two lent their aid until the foreman ran out of words, the guards ran out of remarks, and everyone was utterly spent.

Looking at Big I. drooling tobacco juice, at the sly, groveling stool pigeons, the filth, the unbridled passions about me, I wondered if any save the most brutish mind could call it less than Hell. The prison proper was a dirty yellow sore upon the earth, a sore festering with such

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poisonous hatred and despair that the very dogs of the town shunned it.

There were dogs out at the Number One farm, the chicken ranch and various other divisions beyond the walls, and sometimes they became pets of various men who worked there. Often some faithful, lop-eared mongrel would trot alongside the prisoner who had befriended him until the man's gang approached the prison gates. Then abruptly the dog would recoil as if he had been hit by a stone, curl his tail between his legs and slink away from the place.

This is not imagination; I have watched it hundreds of times. Mac noticed it too, and while each of us was conscious of the other's awareness, we held our silence because it hurt too deeply to be turned aside with a caustic joke or a laugh.

To a young Osage Indian named Bryan Turley, Leavenworth taught an unforgettable lesson about the mores of his white brethren.

"I never knew your people were so cruel to each other," he said to me one day shortly before his discharge, and his voice was low with

bewilderment at an unpleasant thing.

Turley had acquired his scant education in classes on the Indian reservation where he had read of his ancestors' "atrocities" in textbooks written by white men. The historians' rage at Indian cruelties had colored their narratives to such an extent that Turley came to think of the white race as a superior breed filled with purity, light and Christian gentleness. Like an ashamed child, he came to Leavenworth to serve a term imposed upon him for possession of liquor, which was an offense for his race long before our wise and good legislators extended their dry blessings over the entire country.

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Turley was not a surly man, but one afternoon, following our meeting, he came dangerously close to serving a lengthier term for an outburst of the temper that leads to fights on streets or in speakeasies of any American town. He had been working at One farm, where he was a runner, and towards evening he sat down upon a bench, hot, exhausted, and suffering from a headache.

While he was there, partly turned away from the other men, a Negro strode up to him, grabbed his arm and asked some question in a sharp, insolent manner. Turley gave a short reply and jerked his arm away; the Negro retorted with a shorter and uglier one and in a moment the two were quarreling. Presently the colored convict made as if to swing his fist at Turley, whereat the Indian snatched up a two-foot corn knife, leaped to his feet and poised it to defend himself. At sight of that sharp, flashing blade, however, the other man wilted, and in retreating from the fight he probably saved Turley from murder and life imprisonment in solitary confinement — the usual punishment for prison murders where death is not decreed.

I knew of one poor wretch serving such a sentence, for he existed in his dark, noisome pen less than eight feet beneath me as I recorded the story of Bryan Turley. A Mexican, he had come to Leavenworth for some comparatively minor offense, but during one of the frequent prison quarrels, he had killed a man, and when I arrived to serve my sentence, he had spent many awful years in that state of living death.

Each day for ninety minutes he was allowed to exercise in a walled court at the rear of the cell-house, but the rest of the time he was locked up in his gloomy cell with only one tiny window at the top to give him air and a cold

half-light. No view of sky or star, no picture to stimulate his imagination, not a word from another human being broke

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that horrible existence save when the guard opened his door to give him food or when he was taken into the corridor once a week to be shaved.

His was a ghastly fate, yet it was the lot which menaced every man in that prison, for quarrels were constantly breaking out over trivial things, and sometimes they flared into red, murderous insanity before they were finally spent. It was all very well for me, I thought, to practice self-control and to say philosophically that in a sense I found the life interesting, even amusing at times. But had I ten years to serve, I think my philosophy would have broken down; I might have become a killer myself.

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## CHAPTER NINETEEN

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### DEATH WATCHES

MUCH OF MY TIME was spent reading in order to keep away from most of my fellow prisoners and their disputes so fraught with disaster. In those hours I rediscovered many a book I thought I had known, particularly Pope's Essay on Man. His lines about Chico, the immortal clown, I committed to memory as a fitting commentary on the human race; for after all, many a respectable man enjoys his respectability because he lacks either the necessary amount of temptation to lose it or the nerve to risk a chance. In every one of us there is an impulse to do something which society has branded anti-social, and that is why these words of the English poet strike me as the most beautiful, true and poignant that I have ever read.

“Created half to rise and half to fall;  
Great Lord of all things, yet a prey to all;  
Sole judge of truth, in endless error hurled;  
The glory, jest and riddle of the world.  
Go! Teach eternal wisdom how to rule  
Then drop into thyself and be a fool!”

Besides books, there were also the Sunday afternoon concerts throughout summer months by the prison band, to soothe the savage breasts in Leavenworth. They took place

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at six o'clock before an audience gathered from far and near to the prison lawn before the administration building, and while it would take a heavenly choir to lure me back to that penitentiary, an ex-convict once did appear among the crowd, accompanied by his wife.

So far as anyone knew, he was making an honest living since his discharge, but the man's presence greatly offended the guards' night captain whose eyes were constantly roving over the spectators.

“Say!” he cried to the officer with him, as soon as he saw the familiar face, “there’s a ‘con’ who did a ten-year stretch; What’s he doing back here anyway!”

Without waiting for an answer he lifted up his voice and bellowed at the man:

“Hey you, there! Get off this reservation — quick! Gowan — get off right away!”

His fingers waved wildly towards the group of people with whom the ex-prisoner and his wife were seated, and they all looked at each other in startled surprise, but the slow tide of crimson that mounted over the face of the man’s wife drew every eye to her and her husband. Stung by her mortification, the man sought out Warden White and appealed to him. The night captain promptly had his say, with a great show of outraged virtue, but Warden White told him he was wrong.

“This man has as much right here as anyone else,” he said quietly, and although the officer was obliged to take this reprimand without question, I knew it would be but a matter of time before he vented his suppressed anger upon some prisoner within the walls. He enjoyed the greatest unpopularity with all the inmates, yet compared to some of his brothers in service, particularly the one who contrived to shoot a truck driver and a prisoner with the

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same bullet one day, he was a model of decency and gentle deportment.

What most convicts thought of the gun-brandishing gate guard can best be told through an incident that occurred one afternoon in early autumn. We had been in the yard for some minutes when the roar of an airplane filled the place, and looking up I saw it circling high above the clouds, a graceful, silvery thing glinting in the sunlight.

Perhaps with the idea of amusing some of the prisoners, its pilot began wheeling and dipping, barrel rolling and darting all over the sky; yet to me it was heartrending because its pantomime expressed the joy of some living creature suddenly released from a cage. To a man at my side, however, it suggested, curiously enough, both Col. Lindbergh and the hated guard.

“Say, Wharton,” he remarked after some minutes of watching the plane, “if that was Lindy up there do you suppose Sorehead would shoot him? Betcha he would,” he ran on lightly. “That guy’d rather plug somebody famous an’ make himself a big shot than bump off an ordinary feller.”

I was more than a little inclined to agree, recalling Sorehead's fancy for training his gun on men at the slightest excuse. But I suddenly fell to comparing myself with Charles Augustus Lindbergh, although I ceased to watch that tormentingly free thing 'way up in the wide blue sky.

"How many things he has that I haven't," I thought miserably, settling down on the pavement and resting my back against the wall. "He has sense enough not to use tobacco or whisky, and the rarer sense that tells him not to talk, I know that silence is golden but I never cared for gold; besides, I couldn't stop talking if I wanted to.

"On the other hand," I continued, forcing myself to take a lighter vein, "I have all the vices he has not, and

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besides I've acquired a number of ex's that he will never have — ex-lawyer, ex-Congressman, ex-prosecutor, ex-gambler, ex-member of several respectable clubs including the Chicago Athletic Association where they also give members a number — and soon ex-convict."

But the attempt to be facetious withered as it bloomed and I went hack to gossiping with Mac between dragging our gates back and forth at the guards' commands. Little by little I began to feel the shame and disgrace of my position. I fell to comparing my present lot with that which I had enjoyed all my life until a federal jury decided I had conspired to rob a mail train, and by the time I turned in for the night I was horribly depressed — depressed to such an extent that by next morning I had not been able to sleep it away.

Back at the gate once more Mac greeted me with a dour face and some news.

"Ole man Brewer cashed out in the hospital today. Too bad, ain't it?"

His voice was level, but that unusual expression of sympathy from a man who professed to be a hard-boiled, self-centered individual, was proof to me that he felt towards old Brewer as I had.

We knew that he had served but a few months of his year-and-a-day sentence before death brought him release, for morning after morning he had passed us at the gates going out to work with the lawn gang, a pathetic and magnificent figure, well over six feet tall, two hundred and thirty-six pounds of brawn and bone, yet bowed beneath the weight of his grief and shame.

He couldn't read or write, for he had never been to school. By the calendar he was only fifty-six, but I should have put his age around eighty judging by his appearance. Above all, he was afraid, this gentle, kindly old giant

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afraid of Barnes, the self-appointed convict boss, who smirked and drove those whom he could bully and accepted cigars and other bribes from the men who wanted to shirk their labors.

Poor old Brewer, afraid of being reported, afraid of further displeasure from officials if he did not slave, worked harder and harder to do more than his share with lawnmower, rake or shears. Through all of blazing July he had toiled and sweated, his timid, bewildered mind whipped by disgrace, tortured by thoughts of home, striving to lighten by ceaseless labor the awfulness of this nightmare in which he lived.

Frequently I saw him wince at the filthy jests and ribald talk that shuttled back and forth among the convicts about him, and he would apply himself with redoubled energy to the work he had to do, as if his aching back, his straining muscles could bring him nearer to precious freedom.

Late one day he was suddenly stricken and carted off to the hospital where the doctors said he was suffering from cancer; but Chief Pike, who had been police commissioner in Brewer's home town, said it was just the overwhelming horror of his disgrace.

In time the old man learned that he would not live to complete his sentence, and he pleaded to be allowed to die outside the prison walls. His people added their own entreaties, begging for permission to take him home though he died on the train.

"Then he'd go happily," they said. "He's dying! You know it. Why can't you let his last days on earth be spent with the ones he loves and who love him? He is too old and too weak to escape; he doesn't want to — you know that. Give him back to us and let him die in peace."

But authority was not to be so lightly thwarted. No political pressure was brought to bear, and after a mechanical

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expression of sympathy, its grip upon the enfeebled body of poor old Brewer held fast until he expired, a broken, wretched old man.

His friend Chief Pike was the next one to fall victim to age and misery. A few days after Brewer had died, he crumpled up and was hauled away to the “butcher shop,” as the prison hospital was known, like a carcass of beef on a stretcher.

The Chief had arrived in Leavenworth via the commonest route — liquor, politics, conspiracy — to join the year-and-a-day contingent. He was a proud man and an intelligent one, although he lacked the cunning by which a finished politician escapes public exposure and conviction. He, too, was put in Barnes’ lawn gang, and an emotional man could have wept at the misery that bent his silvered head and etched deep lines upon his face.

Like Brewer he feared Barnes; yet because of that fear he sought to win the good graces of his convict boss by laughing loud and mirthlessly at the stories Barnes delighted to tell of his affairs with girls and women. In H parole at night, he and Barnes played game after game of dominoes, punctuated by more unspeakable sex stories and Pike’s forced laughter. At all times when they were together, the old Chief catered to the man he secretly despised, striving to endure the hateful months which must pass before his delivery from that torment arrived.

The greatest cause of his grief was the disgrace he had brought on his wife and daughter, although he was guilty of no more than thousands of other men who live respected with their families in American communities today, and continue to support the bootlegging trade. Chief Pike’s greatest misfortune was his lack of wiliness, and when I heard he had gone to the hospital, I hoped earnestly that he would survive to return to his family and perhaps enjoy

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once more the friendships he had known before his fall. Frequently he had confided his doubts and fears to me and asked for my advice, but I could see that his pride restrained him from telling the entire story, and I could not help him as much as I might have otherwise.

Another man who liked to unburden his mind to me whenever we met was Nick Barlos, a big hulk of a fellow, child-like, and given to great enthusisams over his plans for life when he had left Leavenworth behind him. Once he rushed up to me, grinning from ear to ear.

“Say, Judge, dey got a warrant out for me, judge. Dey’re gonna ship me back to At’ens — ain’t it a break? Den I’m goin’ t’ raise chickens an’ ducks.



Say — y' can live swell over in Greece fer nothin' at all. So I have a fine time back in d' ole country, judge, hey?"

One night, however, I found him sitting by the window at the end of a hall when everyone else had gone back to cells or parole wards. Hearing my footsteps he looked up, but his usual smile was gone, his shoulders drooped in dejection, and his loosely clasped hands hung between his knees. I knew why he could not laugh: that night marked the end of four years imprisonment and the beginning of six more before his ten-year sentence for importing coca leaves was completed.

Several times he tried hard to talk, but his eyes watered and his fingers twisted white in an effort to gain control of himself. I stood by looking out the window as though I did not see his misery, and at length he was able to falter:

"God'lmighty, judge — it — it's hell! I dunno — I — I don't feel right! Sometimes I th-think it's gettin' me, judge! I'm afraid I can't h — hold myself much longer... Good God!... My God, judge, I — I feel like hurtin' somet'ing!"

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He didn't need to tell me. Desperation — the desperation of misery for which no relief is in sight — was written plainly across his twisted features. Yet I realized he would only jeopardize his chances of eventual freedom by losing his self-control.

"Listen, Barlos," I told him in as matter-of-fact a voice as I possessed, "be yourself. It's too late to weaken now. It's a sure thing you'll make it, and with good time off, why it's already over — half over."

I felt like a contemptible hypocrite. It was all very well for me to be cheerful with my comparatively short sentence drawing to a close, but cheering Nick was like telling a dying man that he will soon be well and about in the world of the living once more.

At this writing, four years remain of his ten-year sentence, and whether he has gone back to his native land or still remains in Leavenworth I do not know. Has he been able to avoid the quarrels, the knifings, the savage influences of prison of which outsiders know nothing, and which prolong a man's time within those hideous walls until he is unfit for association with his fellow humans? I cannot tell, and it is a subject on which I do not care to speculate, the odds are so tremendously against a man.

In spite of the sympathy I felt for Brewer, Pike and Barlos, however, that early autumn of 1930 was brightened by pleasant anticipation, for I knew that the time of my own release from Leavenworth was drawing near. The night I sought to give Barlos some consolation held no greater unhappiness for me than the lack of a Turkish bath and a few fragrant Turkish cigarettes. But whenever I complained to Mac about it, he would give his veiled grin and bring me back to stark reality with the remark:

“Well, tell me, Wharton — how was them bugs las’ night? Breedin’ well?”

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On one of these occasions, my descent from imaginary delights was swift. Mac and I were on duty at the gate when the train crew took out a lot of dinner pails to men working in the shale pit and the quarry. Their cars halted outside the walls, and we noticed some of the hands looking into the tin containers, their fingers clamped tightly about their nostrils. This was something new, so Mac and I strolled over to see what the cause of this singular demonstration might be.

We took a sniff and a glimpse at the mid-day meals. To our disgust, we saw that the metal breadbox was smeared outside with grease that must have been all of one-sixteenth of an inch in thickness. Beside it stood a can of apple butter, and this likewise was filthy, with streaks of red rust added to the grease and dirt. I turned away hastily and one of the train crew broke into a laugh, exactly as I had done with Foreman Marx when he had his first meeting with the Little Dan lunch and slop wagon.

“What’s the matter with you,” he called after me in mock indignation. “Gettin’ finicky?”

I flapped a hand and kept on walking back to the gate.

“Say,” cried another one of the crew, “them cans ain’t never washed — it improves the flavor.”

There was a chorus of laughter, and presently Mac followed me back to the gate.

“Holy Christmas!” he swore. “That’s fierce! An’ that red-headed guy told me he never saw a clean can as long as he’s been takin’ out meals to the pit and quarry gangs. Christ what a stink! Augh!”

I changed our talk to other things, fearing to lose what appetite I had left, although I had no great expectations over the victuals we would be

served at noon. However, Leavenworth's consistent inconsistency prevailed, and to my surprise the meal was fairly good — there was no sea

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of grease floating above the veal stew or about the apple butter, and the bread and coffee were better than usual.

But these eatable meals were all too rare, and during the rest of my imprisonment I continued to buy as much food as possible from the town merchants through the chief clerk, even though I invariably got the worst end of the bargain. One day, I recall, I paid sixty cents for some Swiss cheese that was mostly rind and the rest too dry to eat. That dealer must have congratulated himself on sixty cents clear profit when he wrapped it up. However, the crackers and sugar he sent were both in good condition, probably because they were put out by the big grocery combines which Theodore Roosevelt would have howled down in his day as "trusts."

My experiences with Leavenworth merchants were no different from those of other prisoners, but complaints to officials were utterly useless insofar as bettering the quality of provisions we bought. Perhaps they were convinced that this was another hardship which every prisoner had brought down upon himself, and moreover they themselves lived in lofty splendor at the topmost rung of the Leavenworth social ladder, and there was nothing to complain of about their meals except, perhaps, an overabundance of good things.

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## CHAPTER TWENTY

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### PRISON ROYALTY

EVERY OFFICIAL in Leavenworth was like some feudal lord with his own particular retinue of convict servants, the pomp and show of his authority, and handsome living quarters to which marble baths were added when that luxury captured official fancies.

None of these men, incidentally, belonged to the social class accustomed to support or even know what to do with so large a staff of domestic help. But there they had a whole penitentiary of serfs to draw from, and if a prisoner showed the slightest sign of independent spirit by daring to be less than utterly servile, his master viewed him with alarm as an agitator and swiftly replaced him by a more obsequious vassal.

Nevertheless, those jobs were eagerly sought, mainly because they offered assurance of good food and baths, and clean, white clothing as well as greater liberty of action. The prison servant corps formed a kind of aristocracy in the convict population. They arrived late at ball games, band concerts and other public functions, always resplendent in white, shined, shaved and lofty of manner. If I was slow about opening the gates to them sometimes, it was not prompted by malice so much as a desire to enjoy their

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elegance as long as possible. But whenever I tarried a moment longer than they deemed respectful to their position, a disapproving glance would recall me to my duty and I would let them through.

“Long live prison royalty!” saluted Mac maliciously after they had gone on their way.

Like other prisoners, he felt nothing but contempt for them — which often was founded in jealousy — and invariably referred to them by their prison nickname, “snitch jackets.” Every man in this group was universally suspected of informing on his fellow convicts in order to hold officialdom’s

good graces and remain in his own favored job, and when the parole board was scheduled to meet, this contempt sometimes flared into dangerous hatred. More than once a “snitch jacket’s” life was imperiled because the parole board denied parole to a prisoner who promptly suspected the servant of having spoken against him to the official he served.

I myself was denied release on parole, but I gave credit for that decision to more important individuals than the convict flunkies. It failed to disturb me, moreover, because I had only a few more months to serve, and since I had weathered the greatest part, I was content to be patient, even light-hearted, for every day took me nearer complete release, Chicago, and my friends.

One night my cronies and I were gathered about my bunk in One parole ward, talking of the board’s meeting scheduled for the following day, and the men who hoped to win its official blessing.

“There’s Willie Gilhooley,” said Cotton. “He’s from Chi, Wharton, doin’ a ten-year stretch for peddlin’ dope. I don’t think he’s got a chance.”

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“Neither do I,” agreed Young. “Y’know the board granted him a parole once, but there’s been some hitch; he’s still in.”

“Well, that ain’t so bad. Look at Wrenn — he’s doin’ his in solitary!” broke in a third man. “How’dja like that!”

“Oh, he’s stark, raving mad,” I said. “Why he came through the front gate today chained to a deputy marshal, and if he wasn’t crazy when he went into solitary, he’ll be a maniac pretty soon.”

“Sure he will.” Cotton shook his head emphatically. “Nobody could stand being chained to the walls of the Hole every minute he’s in it, and chained to a keeper whenever he’s got to move outside.”

“How much more has he got to do?”

“Fifteen years. He drew five for slashin’ that kid — you remember,” someone volunteered.

A few months before, Wrenn’s victim had been returned to the world outside, forever scarred by that vicious knife, and I remarked:

“If they turn Wrenn loose at the end of that time, they’ll be turning out a dangerous madman.”

Cotton gave it as his guess that Wrenn probably would die in an asylum, and Christopherson began to curse the man for his howls and shrieks that he sent up each night from his solitary dungeon under our feet.

“He knows there’s a parole ward above him, and yesterday he sent up word that ‘none of them politicians is goin’ to get any sleep tonight.’ He sure kept his word, the ——!”

I had heard that unearthly din myself, and I also knew that Wrenn could put on such an act of frenzy that even the guards accustomed to the horrors of solitary were chilled with fright.

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“Well, anyway,” resumed Cotton, “if Gilhooley’s turned down tomorrow, he can think of Wrenn. Besides, the meals aren’t so bad here — once in a while.”

I had dined on six ears of sweet corn with store butter, a ripe tomato, followed by a slab of cherry pie, coffee and crackers, and because I felt pleasantly sated, neither Gilhooley’s nor Wrenn’s fate meant very much to me at the moment. Late the next day, however, I met Gilhooley and read in his face the fulfillment of Cotton’s prediction.

Neither of us mentioned it at first. I hadn’t the heart, although drug peddlers in my estimation rank as low in the social scale as a skunk in the animal world. Finally, however, he brought up the subject himself.

“Well, Wharton,” he said dully, “I had a little disappointment about going out. I would have gone loose last August with a lot of other guys, but Washington said nix, an so its another year in this —— —— hole for me.”

“You can bear it, Gilhooley.” I replied, but he gave a dejected shake of the head and went on his way, while I continued in the opposite direction. Both of us realized the hazards of that extra year he would have to serve, the thousand and one things which might arise to snatch away the coveted prize of liberty, even as he reached out to grasp it. But, as I say, I knew only a few more months must pass by before I returned to the free, exciting world, and all these things impressed me only superficially. I had acquired the true prison attitude that made a man concerned with his own affairs alone, and interested in the life about him only to the extent that it affected his well-being.

That day I saw several other faces drawn with defeat, faces of other men who had shared Gilhooley’s “little disappointment and whose plight brought intense satisfaction to a number of lifers and long-term men eagerly

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on the search for misery as great as their own. In this group, the most irritating was a prisoner known as Old Zach who was a pestilence in human form.

Zacharias never had any family name so far as anyone knew and far from being an affectionate diminutive, his nickname was coined because of its convenient brevity, and because he was old, wizened, vicious, and sloppy as a pig in a trough.

It was said that when Old Zach was sentenced, he stood before the judge shouting curses, and crowned his outburst with a short, revolting account of what he would do to the judge's grave. This so outraged that dignitary that he added another five years to Zach's sentence, bringing the total to fifteen.

Once in Leavenworth, Old Zach proceeded to make himself thoroughly disagreeable to prisoners and guards alike, and with such success that he was avoided wherever it was humanly possible to do so. When I ran into him after leaving Gilhooley, I would have given him a wide berth except that he went out of his way to brush against me, cackling, his evil little eyes watching to see if I would resent the poke of his ancient elbow. He wanted me to, I knew, because it gave him a sense of power, power to hurt, and that was what he wanted most of all. However, I couldn't rouse the needed indignation, he was so much like a bad-tempered monkey.

"G'morning, Zach," I said, but at the greeting so disappointing in its mildness, he turned away snarling some incomprehensible words and shuffled on.

"Ain't he the one, though," said a prisoner who happened along at the time. "I know him since he come here. I'm tellin' ya, he's even got the guards buffaloed, ever since he done that strike on washin' out his cell."

"I heard something about that," I said, falling into step

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beside him as we went out to the yard, "but nobody ever told me the whole story."

The man was only too eager to supply the information, and as we stood in the walled enclosure watching the shuffling, unkempt Old Zach make his way through the blue denimed crowd which fell away as if he were royalty or the plague, my new acquaintance continued:

"Well, you missed sumpin. No one but Old Zach, the ——, coulda got away with it. There ain't a man in this place who don't give a damn for the Hole, except him, an' they just got tired of puttin' him down there. He don't

care if he loses his good time either — maybe he expects to stay in a spot where they feed you free. He's too dam' lazy to work."

"Looks like he might be. But what was that strike all about?"

"Oh that!" He grinned with reluctant admiration. "Well, Old Zach wouldn't wash his cot or his cell because, he told them, 'I ain't come here to work,' and they couldn't get him to do a lick o' work on wash days, see?"

"So fin'ly the other men around him got so they couldn't stand the smell, an' they ain't finicky, either, an' they fin'ly complained. So then a guard comes up to Zach's cell an' hands him a bucket of hot water an' lye. 'Listen, you,' he says to Old Zach, 'scrub out this cell an' don't fail, because if it ain't done when I come back for inspection you're going to be sorry.'

"Well, the guard leaves with Old Zach watchin' him like some beady-eyed stinkin' monkey that's crawlin' out of its cage to look at a human bein' march down the stairs as if he owns the whole world an'll fight the guy that says he don't, see?"

"Well, Old Zach drags out his bucket with him, an' just as the guard gets to the middle of the main floor, Zach

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gives a whoop an' tips it over the tier railin' — Kee-ryst! I'm tellin' ya! That guard was fit to be tied when all of them suds an' lye slams down on him, and when he looked up to see who done it, there was Old Zach dancin' up an' down, an' before the guard could say anythin' Zach screams: 'There, you ——— ——— ——— ——— ———, you want this cell washed come up an' wash it yourself!'

"They snatched him up an' took him away to the Hole, but that don't mean nothin' to him...."

"Guess they won't be sorry to see him set free," I laughed. "He's the damndest old thing I ever met in my life." But the other man shook his head and jerked a thumb in the general direction of the prison cemetery.

"Don't bet on it," he said. "Zach's headed for Peckerwood Hill. He's tough, but he's old, too, an' them old fellas don't stand the gaff here many years."

"Well, if that happens I'll bet every prisoner and guard in the place will join in singing him joyfully on his way." "Betcha life. He ain't even funny any more. Just a dam' pest, that's all."



It sounded like Old Zach's epitaph, the way he said it, and I pictured the headstone with those unorthodox words and Old Zach underneath, still maintaining his devilish individuality in death.

Since neither my acquaintance nor I were inclined to exercise we started to stroll about the yard, and presently, as we drew near a young, dark-complexioned man who was the center of a little knot of prisoners, my companion grabbed my arm.

"See that guy? He just got a parole." His voice had gone gray all at once with despairing envy. Then as we came close to the swarthy youth, he hailed him:

"Well, fella, you must be gettin' 'short' now."

"Yeh, that's right," grinned the boy joyously, and at

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the same moment thin, sneering voices from behind my shoulder:

"Jeez! Look at the short timer!"

"Sure, he's got a drag!"

"Guess that's what it gets you when you go —— around the big shots."

That last remark was too low for the boy to hear, but the others failed to make him cast down. In fact he committed the greatest possible mistake for a man in his delicate position — delicate, that is, among the convicts by permitting a look of pity to flash across his face as he eyed the other men who still had years to serve in the penitentiary from which he would be released a few months hence.

I knew enough about prisoners' temperament to find a chance later on for a bit of advice, and when I met him by design one morning, I told him:

"Watch your step, youngster. You've only a little while more to go, but there's nothing that will please the other men more than to see your parole denied because you got into a fight or something. They'll try to make you fight, but you just act like a dumbbell; be a 'yes' man; figure anything is worth your freedom, and above all, don't get mad no matter what is said or what happens."

He gave me a quick smile of thanks and walked on, and since he went out of Leavenworth at the time appointed by Parole Board members, I like to think that my hasty counsel did him some good after all.

Others in the paroled crowd, however, were swaggering and cruel enough to make their fellow convicts keep a respectful distance; for contrary to copy-book adages, Leavenworth's population was like the

world outside in that the ability to inspire fear won more for a man than high principles and lofty practices.

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Yet when any of this fortunate group, blessed by the Parole Board, had passed a crowd of their fellow prisoners, the latter looked after them enviously and fell to talking of the injustices they believed themselves to have received. The worst offenders in this regard were four bankers who had drawn short sentences ranging from eighteen months to two years. To hear them talk, one would think that the continued prosperity and happiness of their several communities depended upon their immediate return; and that, I found, was the theme of every one in their class imprisoned in the penitentiary.

A banker, it seems, may be an ignorant man according to the standards of cultured people, but so long as money is our ruling passion, he will accept the people's respect as his due, and no amount of misfortune can dispel the superiority complex this social attitude induces.

During my term in Leavenworth, the bankers made a point of avoiding their fellow prisoners insofar as they could but they were locked in cells, nevertheless, and made to work and to endure the vile conduct of prison riffraff and guards as much as the lowliest offender. It pleased them to draw the line of social demarcation by absenting themselves from prison "recreations" such as the boxing bouts, baseball games and other sporting events, sometimes even the moving picture shows.

The exceptionally large boxing card which enlivened our program for Labor Day of 1930 found them absent to the last man. I attended the fights because it offered one more chance to find further material for this book, and during a rare moment of solitude the following night, I managed to write a brief account of what I had seen.

"Three days of idleness have ended—Saturday, Sunday and Monday. Labor Day saw two gory bouts climaxed in the last round by a knockout that roused the

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crowd to a delirious frenzy. Their savage yells and roars must have rent the heavens, but it wasn't applause for either the victor or vanquished; it was the pentup rage and hatred of a prison made audible, belching forth like the fury of a mighty volcano."

Such spectacles as this offended the bankers' sensibilities but I was convinced that they provided a sensible safety-valve for dangerous emotional storms such as lead on to prison riots, if suppressed. Officialdom, for its part, was convinced that boxing contests (they never referred to them as fights) were good for the prisoners by fostering group loyalty, an important phase of social education as well as providing a recreation period.

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## CHAPTER TWENTY-ONE

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### THE HANGING OF PANZARAN

“SEPTEMBER 3. Very early this morning a truck drove up to the gate laden with lumber. It did not have to wait, it was expected; officialdom admitted it at once. Warden, deputies, chaplain and guards scurried to and fro, bent on mysterious errands. There were whispered consultations, telephone calls, anxious frowns and suppressed excitement.

“But we knew! Before the truck came inside the gate the prison grapevine had telegraphed the message, ‘Here comes the gallows for Panzaran.’ Guards rushed the beams to the little walled courtyard behind Solitary, the same courtyard where Panzaran has had his brief hour of pacing to and fro these past months.

“We knew! We saw the carpenters come from the outside to fit those beams together.

“It is evening as I write, and by now the gallows has been completed. Gaunt, ugly, it rises fifty feet from where I sit; I can see it through a window — platform, stairs and crossbeams — hideous in the shroud of gloom.

“September 4. Authority had an unhappy tune today. It painted the windows of our parole room with Bon Ami so that we would not see the spectacle. Authority was nervous; more nervous than Panzaran who, I heard, sat

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reading in his cell, indifferent to the sound of hammer and saw.

“But authority need not have worried. Its power was greater than it knew, for it is strong enough to kill everything in the breasts of men save selfishness and cruelty.

“The convicts have been listless towards what is happening. Few among them would not gladly pull the drop to send Panzaran to his grave if by so doing they could get better food for thirty days or add three days good time

to shorten their own terms of imprisonment. So far as I can judge, Panzaran's fate inspires far less pity than filthy jests in cell houses and parole rooms.

"September 5. Today at six o'clock it happened. Yesterday, guards and officials gathered around the door of Solitary ward where Panzaran was chained in his cell. They were a worried lot, I was told, with solemn, apprehensive faces. Infinite precautions were taken to prevent any convict from witnessing the killer's end. In Parole One last night, the cots were taken from the side of the sleeping rooms which overlooks the courtyard and placed in a row down the inside corridor so that twenty men slept side by side after the doors were locked.

"But they forgot one window. It did not look directly down on the yard, yet it permitted a slanting view. Through it we could see the gallows and the commencement of the ghastly death march.

"When he came out of the back door we saw him, two hundred pounds of flesh possessed of but one virtue: brute courage. He was less to be pitied than the ashen-faced officials shrinking from the task they had in hand, terrified lest some convicts might set up howls of protest.

"The man himself did not shrink. I was told that last night he ate every morsel of the sacrificial banquet prepared for a doomed man. After all, why shouldn't he?

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He would be hurled into eternity hating, as hating he had lived. His hands were red with the blood of a score of victims; he never had shown mercy, never asked it.

"There was no faltering to his step as he marched out of the door into the open courtyard. Then suddenly he bellowed 'BOO!' and whipped around to enjoy the fear he inspired, a frightful grin spreading over his face as everyone started in alarm at the sound. Apparently this was not enough to satisfy the brute in him, for as he passed out of our sight, I saw him wheel about again and spit full in the face of the Guards Captain."

So ended Panzaran. Thus was the murder of Warnicke expiated.

To my surprise, however, little was said after Panzaran became a broken-necked corpse, for as soon as he passed from the prison scene, none of the men took any further interest in his crime, his punishment or the revolting tales that were told of his moral habits.

Within an hour after he had been hanged that morning, I found my fellow inmates muttering ominously about the food they were likely to eat at early mess and about the vile meals which had been served us without a break throughout the preceding week. The tragedy of Panzaran had become as remote as the Punic wars.

When I marched out of the mess hall that night I expected the men about me to speak of nothing but the execution; instead, the one beside me grumbled fiercely:

“Veal cutlets! Where do they get their god dam nerve! I call it pig slush!”

“I thought it was pork,” I answered. But topped as it had been with sour ice cream, I was in no mood to defend the prison menu. I was feeling sick, my stomach seemed to be going around and around, and every step of the way

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back to my parole room it was all I could do to keep from vomiting.

“Some change from last year,” one of the men greeted me. “Remember how they gave us decent food? Guess that was because of the riot in August.”

I could not answer because I felt too ill, but another voice drifted down from the room.

“Yeh, they even served us with near-beer Labor Day. Some class to that feed!”

“Uh-huh,” said the first man. “Maybe we’d oughta give ’em a riot every now an’ then. Then they wouldn’t detour the pig swill to us.”

Ill from head to foot, I lay there silently sharing their protest at the contrast between the past weeks’ fare and that of a year before. I strove vainly to raise my spirits and overcome my nausea by reminding myself that the following January would see me out of that horrible place, and that I had everything to look forward to with the happiest anticipation. But no amount of will power could relieve that sickening pressure at the pit of my stomach and the back of my throat. Lying flat on my back did no good, and finally I sprang up in a hurry to restore to Leavenworth what it had given me for supper half an hour before.

As I fell back weakly upon my cot, two of the men nearby came up for an hour’s gossip, and strangely enough, by the time they had departed, I

was willing to admit that my lot was one of sunshine and roses compared to other poor devils penned within Leavenworth's walls.

They began the conversation by telling me of a man named Norton, a drug addict from St. Louis, who had gone insane that night. The tale was stark and brief, after the usual style of prison news dispatches, but when I

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had heard it I turned Pharisee, giving thanks that I was not as he.

"Norton's been carted over to Ward Four," said one of the men, and I knew that the Fourth Ward in Leavenworth's hospital was reserved for such cases as his. "He put on a fierce show; started to sweat an' tear the sheets, an' the convict Doc didn't know what to do with him at first.

"So Norton keeps on acting up an' finally the Doc gets tired. O' course all Norton wanted was another shot — he hadn't been able to get any through for a long spell. But the Doc gets a lot of orderlies to hold Norton down an' then gives him an enema with oil o' mustard. Jees's! They say Norton screamed like hell an' they had to haul him over to St. Elizabeth's with the rest of the nuts."

The tale shook me, weak as I was, and recalling other stories of hospital brutality I promised myself that nothing short of a broken leg would find me adding my voice to sick call any morning. Singularly enough, one of the men who had come to visit me, echoed my unspoken thought.

"Believe me! I ain't goin' on sick call unless I'm too far gone to pull through — ever. What the hell! It's bad enough to be in a spot like this without goin' to the butcher shop where you sure get the works!"

They rambled on about other men they knew who had been confined to the hospital, all of whom had suffered from some callous or incompetent attendant, and I resolved that no matter how miserable I might feel the following morning, I would be on duty at the East Gate at the usual hour.

A night's sleep, however, restored most of my strength and I reached the gate thankful that I could still be out in the air. But I was totally unprepared for the sudden calamity which befell me within five minutes of my appearance

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alongside of Mac. I had gone there thinking of nothing but my own physical condition; Mac greeted me with his usual nonchalant flip of the

hand and quirk of the lip, and we lounged about the gate for a few moments talking idly.

Suddenly I perceived two guards striding towards us purpose and bad news in every outline of their hastening figures. As I continued to watch them I saw that they were making directly for me, and soon I learned their mission.

“Come on, Wharton,” said one of them, laying a hand on my shoulder. “You’re not on the gate any more. You been transferred to the loading shed back of the boiler house.”

I looked at him blankly, uncomprehending, but it made him impatient.

“Make it snappy, fella. You’re coming back with us. Get a move on.”

I walked away beside them, wondering if they would make any explanation of the sudden order. But they remained mute and twenty-four hours had to pass before I learned that the change had resulted from Mrs. Ware’s charges against me in Chicago. The authorities feared I might develop “rabbit’s foot” and try to escape in order to avoid facing trial on the charge of unlawfully keeping her diamonds.

Thus my partnership with Mac at the East Gate was severed, and I went to work loading shoes upon a truck, twelve to fifteen thousand pairs of them daily. One heaping truckload, I found, didn’t make a dent in the pile, and when I happened to uncover a typewriter (how it got where it was I never learned) a guard said wearily:

“Oh, throw that in too! I’m tired of looking at it.”

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Within a few days of my initiation into the loading shed gang, a prisoner passed by and then stopped, recognizing me as I tossed my last pair of shoes for the day upon that heaping truck. He rushed over to me, eyes wide with excitement, then with a furtive glance around, he put his face close to my ear.

“Say, Wharton, I hear that Coroner Bundesen of Chicago was here today,” he told me in a swift jumble of words. “Wanted to talk to Joe Traum. What d’you suppose that’s for — the Lingle thing?”

I said it probably was, Traum’s name having been connected with the sensational killing of the Tribune reporter, and not long after we learned that this was the Coroner’s motive. Traum had refused to talk, however, and he was quickly put into blues and transferred from the chief clerk’s office to the clothing room, a marked demotion in prison life.



Coroner Bundesen's secret visit — secret to the public, that is — provided countless hours of lively gossip through out the prison. Every man in Leavenworth was intrigued by the ramifications of Jake Lingle's slaying by a Chicago gang, and for days nothing more was talked of except Traum's possible connection with the Chicago newspaper man's killing.

Then came the whispered alarm, one noon, that three drug addicts at the Fort division had been captured as they tried to escape. This was closer to home, and Lingle, Traum, Dr. Bundesen and the strange pattern of events in which they figured, were forgotten before the new excitement.

The authorities were in the throes of another hysterical seizure; as a result, all the retainers of prison royalty, the "snitch jackets" had their individual numbers stamped plainly across the backs of their immaculate white shirts

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and across the knees of their immaculate white trousers. It was a lesson to convicts that when they permitted themselves to forget they were in a penitentiary, something would occur to make them remember the unpleasant fact.

The escape was another nine days' wonder; but like all other sensations it faded into the flat, gray background before long, and nothing occurred to offer fresh topics for talk until the early mess of October 1, 1930. That day I had marched into the mess hall for breakfast, mechanically hungry, mechanically timing my step to that of the man before me, mechanically expectant of some tasteless gruel, "prison mud," bread and margerine.

We took our places at the long tables, six men to a board, and the attendants came around ladling out the oatmeal, coffee, bread and butter. Fifteen minutes was a man's time allowance for each of the three daily meals, and we fell upon our food, such as it was, because we were hungry.

Just as I was scooping the last spoonful of cereal from my greasy plate, the spoon nearly dropped from my hand as a sudden uproar burst forth at the front of the hall. I swallowed my oatmeal swiftly and rose with the men around me to see what had caused the curses and cries of alarm that galvanized everyone in the hall to taut, watchful alarm.

We strained our necks to see what was happening and in a moment I glimpsed through the weaving lines of close-cropped heads, three men from St. Louis fighting with long-pronged bread forks. A second later one of them broke away and dashed down the center aisle, another man in

pursuit jabbing savagely at his back. Then, just as the fleeing prisoner was about to get out of reach, his pursuer hurled a fork like a javelin and buried it deep in the fugitive's shoulder.

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I turned to look at Captain Beck, assigned to mess hall duty. He had turned the color of marble.

"He's got him!" someone shouted, as the wounded man fell to the floor, and at that wild cry Beck recovered himself and rushed in to grab the youth who had flung that murderous fork.

"Back in your seats! Order! Order!" cried the guards about the hall. "Get back in your seats, hurry up!"

Slowly the men sank upon their benches; they didn't want to miss a single gory detail of the excitement, but they didn't want to go to the Hole either for insubordination. Beck and an aide carried the wounded prisoner out of the hall and the man who hurt him was hustled away to solitary.

The din and confusion subsided after that, and as I returned to my coffee, I glimpsed out of the corner of my eye some figures moving in the visitors' gallery. I glanced up and saw that one was a woman, eyes round as saucers; the other was her escort, a prison guard. If she had sought a thrill, she received more than she expected unless I am a poor judge of facial expressions.

When I recovered from my surprise, it struck me as a curious form of diversion — showing that mass of potential human dynamite to a woman unaccustomed to such things. Bringing a woman into such a place was likely to cause her untold embarrassment, for women were one of the chief topics of conversation among the grosser inmates, and some of those would gladly have gone to the Hole for a chance to shout some obscenity while she was in full view of his fellow prisoners.

Moreover, there might easily have been a general riot, touched off by the spark of that fight, and assuredly there would have been one had the food been as bad as it was at dinner the next day.

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A visitor, glancing at the menu on the blackboard, would have noted a tasty meal of macaroni and cheese with stewed tomatoes. But we who had to eat it saw and tasted nothing but a medley of left-over vegetables, a

segment of cheese, tea and soggy bread pudding. This followed a noon mess which was truthfully a mess of unpleasant and unappetizing hash.

The brief fight caused only a mild flurry of interest compared to the indignant outbursts prompted by the meals we were served that day and during the ones that followed it. In my parole room the men were muttering in dangerous discontent, and this was intensified later on when Mr. Supercook, guard of the clothing room, raided One Parole to make off with a blanket from the cot of each inmate to use somewhere else, entirely without explanation.

Yet explanation was due, for each blanket was charged up to the man who had received it on his entry at Leavenworth, and he would be held to account for it the day of his discharge. Still, despite the discomfort this caused me — it was the middle of October — I found nothing could lessen the pleasure I took in marking off the months and the weeks which lay between me and my freedom the following January 20th. If Supercook's raid made me chilly at night, because we were getting on towards winter, I was warmed at the thought of my approaching freedom.

This thought of liberty, and plans for my renewed activity in civil life were coming to soften my anger at the harshness and petty intrigues of prison life, even though I was sharply aware of the pitfalls that must be avoided if I were to go out in January.

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## CHAPTER TWENTY-TWO

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### THE CASE OF CHOPPER

WITH MY OWN misery lessened by every passing week, I was able to judge the men about me with clearer eyes. Most of them, as I have said, would show no better than a moron's intelligence quotient. Some were capable men who could have made a prosperous niche for themselves in society if some quirk of mind or some influence hadn't swerved them into lawless channels.

While the majority of prisoners were guilty of the crimes for which they had been sentenced, I was convinced that a scant few were the victims of an over-zealous prosecutor, wholly innocent of any offense against the law. Of course there was a good deal of unpunished criminality in their histories which tended to direct the finger of suspicion their way before they arrived at Leavenworth, such as association with known gangsters or criminals, or previous police records. Invariably, these innocents were too poor to hire the high-priced legal counsel who could have kept them at liberty.

The most unique case I heard of during my term in the penitentiary was that of old Chopper with whom I struck up an acquaintance in my months on the East Gate. From the record I had seen when I worked in the record clerk's

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office, I knew him to be a pick-pocket, and it puzzled me that he should be in a federal prison because his kind does not commit major crimes.

He was a wary old fellow, his red-rimmed eyes constantly shifting in a cunning, weatherbeaten face, and he kept very much to himself. But in time he grew used to the sight of me, and since I didn't ask any questions, he began to pass the time of day and other harmless remarks until in the end I heard his own recital of the strangely comic events which led to his imprisonment.

It seems he was sentenced from LaMar Colorado and with a woeful shake of the head, his sly little eyes seeking to read mine for sympathy, he cackled:

“Wharton, drink was my downfall. If I hadn’t of went on a spree that time in Colorado, I’d never of set foot in this place.”

I hauled up my eyebrows noncommittally and he went on.

“I ain’t so bad off, though. This stretch is a helluva sight lighter than I’d of drew for pickin’ pockets out there what with the record I got.”

There was a note akin to pride in this old thief’s voice, and all at once he began to shake with furtive, suppressed laughter.

“I tellya, they got me in the can, but I put one over on ’em! Hah! I conned ’em that time, the smart, big policemen!”

I knew better than to press him for details curious as I was to learn his story, but he disappointed me when he suddenly wheeled about and went back to his job of sweeping out the yard. There was nothing to do but be patient until the garrulous mood overtook him.

It must have been two months before I talked with him

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again. It was a warm day, and we sat down on the pavement and leaned back against the wall.

“Pretty hot today, Chopper.”

“Yop,” he sniffed. “If hell’s got anything on this place I’ll take my hat off to the devil first chance I get.”

“Well, hell can’t be so bad. Think of all the interesting people you’d meet.”

“Mebby,” Chopper agreed. “Still, I ain’t hankerin’ to git there for a while. Nope. I got a date out in Colorado. Gotta go out there first. Then when I git there mebbly I’ll die — laffin’....”

He started to shake all over and I half expected to hear the bones rattle in his skinny carcass.

“That’s a good way to go, Chopper,” I prompted at length.

“Sure ‘tis.” His rheumy little eyes squinted up at the white-hot sky. “Sure ’tis. All I want is that the guys who see me laffin’ know what I’m laffin’ about.”

Again he went into his trance of silent mirth. I pulled off my cap and fanned myself a little while, hoping that he would finally uncork this mysterious joke. The simple little strategy worked to perfection, for

presently he launched his story in a voice so low, so filled with sly laughter, that I thought at first he was talking to himself. Then he began to rail at some “hick cappy” and I listened attentively until he had spun his yarn.

He had gone to LaMar from Denver, he said, and after a profitable fortnight of picking factory workers’ pockets, he voted himself a holiday from toil. At that he sought out the nearest speakeasy and surrounded as much of the moonshine as he thought he could hold. But it weakened his judgment, and by the time he left he was so drunk that he lurched and staggered wildly along the streets. Midway to his hotel a policeman stopped him.

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“I told him I was a factory hand,” said Chopper, “and just about the time he was ready to let me go, who comes along but the Cheese o’ police. Well, the Cheese asks the cappy what’s wrong with me and the cappy tells him I ain’t entirely able to take care o’ myself.

“So the Cheese wants to know where I’m bound for, an’ I get real indignant an’ tell him the hotel where I live, see? ‘Fine,’ says he. ‘We’ll just go along an’ see if you’re tellin’ the truth.’ And with that we all drifts over to the hotel where the landlady gives me the okay all right an’ even shows them my room.”

That apparently satisfied the Chief of Police but to Chopper’s consternation he announced:

“You’ve been drinking, though. Maybe you’re all right but I think we’ll take you to the station and lock you up until morning.”

At the local bastille they searched him, but instead of the burglars tools they probably expected to find, Chopper’s pockets yielded only a few half-dollar pieces.

“I got real indignant,” he went on, jabbing a bony forefinger in my ribs, but they kep’ me in the can till morning. When they left me out I said I wanted my money back, because it was all I had left of that week’s haul, see? I took them half-dollars from a pocketbook I snatched out of a guy’s pocket while he was standin’ in a crowd two days before, an’ he had enough so’s I could knock off work for a while.”

But unwittingly Chopper had sold his freedom for thirty pieces of silver, although he did not learn the fact until he was questioned about them that following morning. First the Chief of Police inquired if the money belonged to him. Chopper readily admitted that it did. Then he was asked if

he had spent any the night before and again he nodded with a great show of injured innocence.

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Next he was asked where he had come from, how long he had been in town and where he was going, to all of which he gave glib answers. But his cunning was his downfall, for the next moment he heard the Police Chief thunder:

“So you’re one of these strangers who’s been flooding LaMar with counterfeit coins, eh? Well, Sergeant, change that charge from drunk and disorderly to possession and circulation of false money of the United States.”

With that the stricken pickpocket was tossed back into his cell, cursing the liquor which had led him to ruin.

“Still,” he told me, brightening, “they on’y give me two years, an’ I can do that on my head — I been in plenty of hoosegows. But if they knew my record out there, an’ knew I got the money pickin’ a guy’s pocket, I coulda drawed ‘the book’ in Cannon City because they’d say I was a habitchial criminal. So I come out on top of ’em anyways, see.

“The book” meant life imprisonment, and as Chopper gave way again to his noiseless exultation, I laughed with him at the grotesque comedy of this wizened pickpocket convicted as an ally of counterfeiters.

After he had told me the story it seemed to establish a bond between us in his eyes, and as the months slid by he would stop for a sly remark now and then, usually in protest of the heavy work he was made to do.

“How’m I gonna work my way back to Colorado,” he railed one day, “when they’re ruinin’ my fingers on brooms and machinery. Guess I’ll hafta do a bit of cheap burglary.” And another time:

“I’m a short-timer now, chief. Gonna spread my wings an’ fly pretty soon. D’ya think I oughta get ‘rabbit’s foot’ an’ make a break while I’m workin’ outside the walls?”

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I said it was a foolish thing to attempt, and he nodded, twisting his sharp old face into an expression of shrewd calculation.

“Betcha I’d make it, though. Course, I ain’t gonna do it,” he hastened to add. “But if I was doin’ ten years, or twenty-five, they’d have to chain me

to a wall in the Hole before I'd quit tryin' — Gee! D 'ya suppose that Nash made it okay?"

I said I didn't know. All I had learned was what the Leavenworth newspapers reported that day, and Chopper walked away lost in thought.

The man he mentioned was Frank Nash, who had served eight of twenty-five years when "he stepped away from his assignment of duty as cook at the deputy warden's house," as the papers put it that day in mid-October of 1930. Nash kept on stepping at double quick time until he was lost to official view.

Before coming to Leavenworth, he had drawn another twenty-five year sentence to some state prison which he escaped by a pardon. Even earlier than that he had earned himself a long prison term, all of which marked him as a desperate man. A ten-year-old boy, I thought, would have known enough to keep close watch over him, knowing his record, but the prison officials took a different view and made him a trusty, to their ultimate chagrin.

Nash was a powerfully built man, witty, well-read and educated, but cold-blooded as a lizard. He knew how to chat engagingly, how to laugh and be heartily boyish, the while his eyes saw everything that went on about him and his mind worked at high-speed calculations over something that boded no good. He was the sort of man who would smile, apologize and shoot you between the eyes.

His emotional control was the most complete I have ever seen in a human being, yet he had one weakness. During

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his sleep at night he would suddenly rend the stillness with blood-curdling cries — hoarse, horrible sounds induced perhaps by some recurring nightmare or some long-buried trace of conscience. Whether these paroxysms were those of remorse or terror only he could tell. But something rode his pillow in his dreams, and any mention of it roused him to cold fury.

Those nightly cries were his Achilles heel, the only point in his armor of hard good-humor. The other prisoners soon learned this with deep satisfaction, and realizing that Nash could not fight a hundred men and whip them, they revenged themselves for broken sleep by jibes which would have won them death outside the prison walls.



Nash's escape was the first of three severe blows to prison authorities within two days. The afternoon following his casual departure, two other men gambled additional years' imprisonment against a chance for freedom. One was named Harry Sully, the other was Brown, and they vanished from inside the walls as completely and as mysteriously as if they had faded into thin air.

The guards launched a hectic search into the most outlandish places possible — garbage cans, roofs, niches in the walls, under beds, their bewilderment mingled with a frightened realization that unless the men were found, high authority would make a scapegoat of some guard by firing him.

A pathetic anti-climax came with the evening of their search when Guard Cook permitted another new prisoner, Underhill, to go outside the gates.

The man must have been half-witted, because in spite of his blue denim uniform and the broom over his shoulder, he wandered down to the town bus station and naively told Bill, a trusty, that he "was tired of Leavenworth" and thought he'd go into town and get a job.

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Bill led him back inside where he was promptly sent to the hospital for a sanity test. He was only under a year's sentence, imposed on him in Detroit, but the moment his remarkable complaint was told to authorities, Guard Cook became the scapegoat for official ire and lost his post.

Later Underhill was found to be hopelessly insane, although there was nothing about his appearance to indicate it. Nevertheless Cook was not reinstated, for the triple escapes bit too deeply into the vanity of officials and they were in no mood to judge Cook's case upon its merits.

Sully, one of the escaped men, had been brought to Leavenworth from McNeill's island. Years before he had fled to England to avoid trial, but shortly after his landing he was captured and returned to California where two long trials were necessary to convict him.

With Brown and Nash he held the distinction of rousing Leavenworth's convict population to a fever heat of interest and conspiracy. I doubt if a single cellhouse or parole room was without its band of men plotting escapes throughout the days that followed the trio's sensational breaks.

Those of us who were "short-timers" drew a laugh out of the official hysteria that reached a new high some days later when an inmate of Treys

was missed. Guards scurried wildly all over in search of him, and after an hour or more he was found loafing in a cellhouse, blissfully unaware of all the excitement he had caused.

He was hauled away to his proper place, frightened, bewildered, wondering what had happened to bring him such unusual attention as if he were a dangerous man to have at large instead of a timid, harmless nonentity.

I wish they'd transfer Wrenn to some other part of the prison, I wrote, after recording the Treyman's ludicrous escapade. "For the last two nights he's been howling like sixty devils from his cell in Solitary down

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below. Yesterday he sent up the usual word by Miller, the convict orderly: 'You boys don't get no sleep tonight or any other. I'll start at midnight and no ——— politician will be able to sleep through it.'

"All of us in this parole ward are supposed to be 'politicians' because our lot is comparatively better than that of most other prisoners. Still, let the poor wretch howl. It is just one more thing we will have to pretend we don't mind — we who live from day to day with every nerve strained to the breaking point.

"This hysteria that leads men to yell and shriek is under control during the day, but at night men cry out in their dreams, and when this happens they facetiously refer to it as 'Ziggy, the guy who sleeps on your pillow with you.'

"It is a horrible thought that just a floor below, Wrenn and the other lost souls eke out a ghastly existence in their narrow gray worlds within the steel walls of their dimly lighted cells. For one hour a day they pace the small exercise court, open only at the top, a concrete box nearly as airless as their pens. Day after day, hour upon hour — it does not bear thinking of!

"As I write, the justly famous Senator Jim Reed is making a political speech which comes to us through the radio equipment installed in the wards. But here such things do not sound very vital; they are just so much sound and fury signifying nothing. They serve merely to engage men's thoughts for a while, although the poor devils in Solitary are denied even this brief interlude in their days and nights of dull misery. Yet a man such as Stroud has won the privilege if ever anyone did."

The prisoner Stroud was one of Leavenworth's most tragic figures. In 1908 he was sentenced to serve twelve years for killing a miner during a

tavern brawl at Juneau, Alaska. Seven years after that he was tried for murder

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again, this time with prison authorities accusing him of having clubbed a guard to death in a desperate attempt to escape.

Stroud was then barely twenty-seven, and he maintained that he had acted solely in self-defense; but although other witnesses supported his statement, the jury condemned him to the gallows. From this he was saved by President Woodrow Wilson who commuted the sentence to life imprisonment at Leavenworth in solitary confinement.

Faced with that terrible fate, Stroud entered Leavenworth, but instead of giving way to his agony, he sought for means by which he might earn money to support his mother who had spent all her savings to preserve his life. Soon he began painting little pictures for her to sell.

This brought her a meager income, but months afterwards, to the horror of Mrs. Stroud and her son, his sight began to fail. If he continued his painting, both of them realized, he would go totally blind, probably insane from sitting or creeping about his narrow gray world with nothing to occupy his hands or his mind.

Once again Strand proved himself resourceful. Before long he had started breeding canaries in his cage with the permission of a humane warden who relaxed prison discipline enough to permit him to buy birdseed and procure wood to make tiny cages.

Mrs. Stroud, in her humble Kansas City flat, found a ready market for the birds; their sale brought her as much if not more money than the paintings her son had sent home before. In time he became an authority on canaries and even wrote articles about their breeding, their illnesses and their care, which were published in trade magazines.

With the autumn of 1930, however, Sanford Bates the Commissioner of Federal Prisons, sent forth a command from his fine, comfortable office in Washington, an office

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filled with fresh air, sunshine and the happy bustle of free people, that "birdseed was not necessary to a prisoner's welfare." It brought untold anguish to the man locked up in his dark little cell with his precious birds that meant the support, the very existence of his aged mother. Mr. Bates in

his wisdom forbade the purchase of birdseed, however, pointing out with the characteristic logic of high public officials, that it was against modern penal policy for prisoners to conduct business with the outside world.

Old Mrs. Stroud saw with terror that this would destroy the thin barrier between her and utter destitution. Desperate, she broke the long silence which pride had imposed upon her, and revealed her son's convict status to acquaintances, appealing to them for aid in lifting the ban of Mr. Bates. Letters went forth to Congressmen and Senators; bird magazines ran stories of Stroud's miserable plight and some even went so far as to urge his pardon.

I never learned whether or not they have been successful. If they won there is no one happier than I, for I realize what their work has meant; if they lost, I am not surprised because the official temperament is incapable of weighing human emotions against the vast importance which rules and regulations take in their own particular world.

The thought of Stroud imprisoned near that fiendish Wrenn, hearing his foul oaths, his shrieks of fury, his insane mouthings, made me shudder. What sort of justice, I wondered, could let that condition endure? Stroud was trying to be decent, self-respecting, to make some measure of atonement and support his mother in spite of the handicaps which encompassed him. The whole situation, I felt, smacked of the senseless cruelty of medieval tribunals.

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## CHAPTER TWENTY-THREE

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### BROWN AND SULLY

IT WAS NOT to be wondered at that prisoners facing long terms, even though they were not forced into the stinking holes of Solitary, tried to “beat the walls.” Secretly I had sympathized with the escaped Brown and Sully as I wrote of their disappearance; but some days later I added the entry:

“Brown and Sully have been captured. They had tunneled their way under cellhouse A where they lay from October 21, the day of their last appearance at prison roll call, until November 1, when the awful realization came to them that they could not escape, and they surrendered to keep from dying of starvation.

“They crawled out half-dead, after ten days in the dirt and darkness, without food or water, not knowing whether it was night or day, but clinging desperately to their hope of escape until the stronger instinct of life, even a life of bondage, brought about their defeat.”

The prisoners evinced their usual reaction to the news. Instead of the grudging admiration they had given the pair before their capture, all I heard were sneers. “Why they musta been crazy!” “Sure, what was the matter with

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those dopes?” “They never had a chance — any sap could of figured that out!”

Had both men succeeded, however, they would have been heroes, as the man who steals a million dollars without punishment becomes a leader in his community in the outside world. Yet just as people would have turned on the millionaire, had anyone brought about his conviction, so the prisoners turned from admiration to contempt in the case of Brown and Sully.

The pair lost all their good time; one had served half his sentence, the other was just beginning twenty-five years, and immediately after they were dragged forth from their tunnel, emaciated and filthy, they were thrown into Solitary on bread and water. Worst of all were the heavy sentences which faced them in addition to the long ones they were already serving.

I heard that the poor devils had dug fifty-five feet underground and were actually some twenty feet beyond the walls, with only another yard or two to go when they lost all sense of direction and dug themselves back towards the starting point. Others said they had reached their objective, a catch basin long out of use, but after burrowing through to its far side, they found it filled with heavy rocks and cinders, impossible to climb through.

Both men belonged to the class which society brands as dangerous, yet I felt nothing but pity for this desperate, futile struggle for freedom. An animal will do as much; can you blame a human being for rebelling at the prospect of spending the greater part of his life within walls of stone and steel, no matter what he has done to merit it?

Thinking it over that night after I had gone to bed, it occurred to me that had they won their freedom, life would have been filled with terror. They would have lived in constant fear of the law, wandering over the country as

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sudden alarm at some fancied detection spurred them on, suspicious of every friendly overture from people they met, ready to kill at a moment's notice to preserve their terrible freedom.

On the other hand, the prisoner knows just what the future holds for him: Sundays, holidays, birthdays — just so many marks on a calendar. There is nothing but the monotonous grind and time off his sentence for good behavior, although this means little to the man serving twenty-five years. His day of liberty is too far off, he will be old and useless to society by the time he is able to enjoy it. Outside the walls he is soon forgotten, he is not even a number to those who knew him years before.

If the escaped prisoner lives in an agony of dread, the prisoner within the walls often goes mad, particularly in Solitary. Perhaps this madness led to the inauguration of motion pictures once a week towards the end of my term when the men in Solitary were taken to watch them run off without sound for an hour — human shadows weirdly eyeing the shadows on a screen. Then they were herded back to their cells and locked up in pens,

like shades returning to the underworld from which they had risen to haunt the living.

Religion might have brought them some comfort by bending the simpler souls among them into the frame of mind that brings a steady stream of new brethren to the Trappist order of monks. Why, I wondered, did the officials in charge of Leavenworth deny these wretches a Bible, and paper and pencil to while away the time in writing their thoughts? It is a pastime innocent of danger, and it might do incalculable good to a few of the men. I do not think it too fantastic to say that someone might write a novel of immortal power out of the depths of such a cell.

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Still, writing of that sort would be destroyed were it found to contain criticism of authority, for that is blasphemy according to the commandments given each prisoner on his arrival. Nothing which reflects against the established order of things may be written, even in letters to a man's closest relations. I was not surprised to read that Ernest Booth, an inmate of San Quentin penitentiary in California, was forbidden to continue writing for publications although he has given some excellent contributions to the literary picture of present day America.

In contrast to this lost legion of Leavenworth were the new men who arrived shortly before I wrote out these reflections to a chorus of yelps and curses from Wrenn downstairs. Those newcomers who had been assigned to quarters in my parole ward, Number One, moved about in the state of bewilderment common to all of us during the first week or two of prison life.

On November 9, 1930, I wrote:

"In the ward bathroom today I heard an old timer ask a new man, 'Where did you fall from?' and it was funny to see the look of protest that answered him. The newcomer disliked to be treated as if he belonged to the criminal class.

"Like everyone else he will become reconciled in time to the idea of being 'just another prisoner.' He has tried to explain at great length the injustices which led to his being here and how his case is different from that of everyone else. They all do that, without exception. But though few of them keep this up until the day of their release, the long-term men look on them as prattling fools.

“Only in their eagerness for mail are the new men like the rest of us seasoned convicts. In a few rare instances men have relatives who are sufficiently interested in their welfare to write every day, and possess besides the ability

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to write such letters as will lift men’s minds outside their surroundings. Sometimes these letters are strong enough to defeat the deadly prison influence which leads a man to think he is lost forever, a dangerous frame of mind to bring back to civil life.

“The average letter, unfortunately, deals only with the state of a family’s health, the daily routine of life, trivial family gossip, all of which becomes as wearying as prison meals and interests a man considerably less as time goes on.”

By then the long gray days of winter were closing in about the prison. To many of the men they brought increasing unhappiness; to others desolation and despair. For my own part I welcomed them because the passing of each one was like the falling of a barrier between me and my liberty. In January, with the help of fortune and an unrelenting grip on my temper, I would be free — free to get into well-tailored clothing once more, free to share a few highballs with friends, free to order good dinners in any restaurant I chose, and free to watch the beauty of spring return about my home in Beverly Hills.

These days, however, spelled disaster for two men who were listed among Leavenworth’s escaped prisoners — Lancaster and Neil Jaco. Lancaster was returned from Pennsylvania with an extra five years pinned on to the rest of his long sentence, and Jaco, an Indian, was brought in a few hours afterwards.

When the white man was in Leavenworth before, he had played in the band, obeyed the rules, and won for himself in time the post of head orderly at the Guards’ Club, a kind of canteen which Warden White installed in the basement of the administration building. There cigarets and sandwiches were sold, and Lancaster not only waited on the counter but kept custody of all the money.

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One warm spring night the guards gave a party at some public hall in town and took him along, with a gang of other prisoners, to sweep and



scrub when the festivities were over. To his mops and brooms and pails, Lancaster slyly added one hundred dollars in bills, filched from the canteen till over a period of time, although he renounced a sum of silver because it would rattle.

After the ball was over, and while his fellow-prisoners were cleaning the hall, he sauntered out to the service car and drove away to freedom. He had several hours start on the authorities and plenty of money to buy himself new clothes and gas and oil for the car.

The moment he was missed, government machinery went into action. Night and day they trailed him until at last he was captured in Pennsylvania to be returned that bleak November morning and paraded before the mocking grins of his fellow prisoners.

Neil Jaco's story was startlingly different. He fell afoul of the prohibition law which inspired bootlegging throughout the Indian territories years before Congress made it a national industry. For his sins he was ordered to serve two years in Leavenworth, but Jaco proved so ungrateful for this chance to reform that he followed some other prisoners in a successful jailbreak before his first year ended. It was a desperate fight and the men escaped in a hail of bullets which took the life of a guard.

Jaco was not one of the conspirators, according to the tale told to me by an ex-official of the prison, but he developed "rabbit's foot" when the confusion was at its height, and slipped outside the walls unnoticed. In time he became merely a name, then, as the years rolled on, a vague memory, and when the twenty-eighth anniversary of his escape arrived, it was as if he had never lived.

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About that same year, a ragged derelict wandered into the outskirts of Fort Worth, Texas. His name was Pat Murphy, and like some stray tomcat he lived from pillar to post until he finally found a job with a construction camp and earned the price of a room in one of the city's poorer boarding houses.

Pat bought himself some decent clothes and managed to see the barber so often that his landlady was seized with a violent attraction for him. She had no husband, as it happened, and when Pat offered himself as a candidate he was promptly elected unanimously.

After their wedding, he started his own carting business. He was thrifty and quiet and he prospered so that the only rift in the bliss of the Murphy

menage was caused by Pat's occasional flyers to moonshine parlors, expeditions of which Mrs. Pat, their neighbors, and the part of the town through which he wove his way home were made acutely aware.

Once when she upbraided him more severely than usual, Pat grew peeved with the light of his life and planted a horny fist upon her jaw. For this he was given a bunk in the local cooler, but by the time he was due for arraignment, the bruises on Mrs. Pat's heart and jaw had begun to heal. She refused to prosecute so that there was nothing for the judge to do but discharge the prisoner, and as the Murphys departed they were blissfully reconciled to all appearances. Still, being a woman, Mrs. Pat could not forego the last word in the argument, and perhaps she felt that something had to be said to discourage further uppercuts from her spouse.

"Listen here, you whelp," she told him gently, as they left the courtroom, "you put your hands on me once more, and back I'll send you to Leavenworth! The likes of you layin' your hands on me! Remember now, one more

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time and you'll be making little ones out of big ones in Leavenworth!"

Pat writhed and reached home in a penitent mood, wondering fearfully if anyone had overheard the little woman's outburst. But days passed by uneventfully and the surface of their lives grew smooth as a duck pond.

Back at the police station, however, sat one of the force, awaiting a letter from Leavenworth. He had stood near the Murphys as they left court, and at Mrs. Murphy's threat he fell to wondering. Pat's fingerprints had been taken the day before, so the officer wrote a letter of inquiry, gambling two cents against a hundred dollars — the price paid for return of an escaped convict. His answer was disappointing: "No Pat Murphy wanted here."

Undiscouraged, the policeman was still turning Mrs. Murphy's words over in his mind, and at length he recalled that Pat had an unmarried sister. "But that sister's name isn't Murphy!" The thought sent him forth on a different angle and presently he had located her, learning that her name was Jaco.

Again he squandered two cents for a stamp on a letter, but again the reply was disappointing: "No Pat Jaco wanted here."

Nevertheless, Jaco was such an unusual name that prison officials began to look through their records, and far back among the files yellow and dirty with age they ended their search. One Neil Jaco, they discovered, had

escaped some twenty-eight years before in a band of desperate criminals. The fingerprints sent from Fort Worth, as those of Pat Jaco-Murphy, were of no use in deciding whether he was Neil, yet the government was willing to inquire further.

McConologue, the civilian record clerk of Leavenworth, was sent to the Texas City, although none of his colleagues thought the affair amounted to more than a nice little

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trip for Mac, and at length he arrived at the local jail. Murphy was there awaiting him, having been returned meantime on telegraphic request of Leavenworth's warden, and McConologue was directed to his cell. After several minutes had passed, the prison official went back to the captain's office, a look of surprise on his face.

"Well, that's Neil Jaco!" he declared. "Neil Jaco, who beat the walls twenty-eight years ago, Captain."

"What's he got to say for himself?"

"Why, he tells me he wants to go back — and he means it!"

The captain began to grin incredulously, but Jaco appeared in the doorway, handcuffed to an officer, and as he heard McConologue's words, he heaved a sigh that surprisingly sounded like relief. The captain glanced sharply at him but there was no trace of fear or regret in Jaco's face, and as if to remove all doubt, Jaco the Indian, alias Murphy the Irishman, let loose a torrent of words.

"Sure," he said to McConologue, who later told this tale to me, "since you found out where I come from, I ain't sorry. Honest! Why you don't know how glad I am to see someone in authority, someone I can get this thing through with. God! If you only knew the nightmares I've had in those twenty-eight years since I broke out you'd know why I'm pretty near ready to cry at bein' happy that it's all over!"

One of his worst dreams, he told McConologue as they rode back to Leavenworth on the train, was a vision of the law reaching out to get him, prying into all the corners and hideaways of the tiniest village along his wanderings, reaching to snatch him back from the liberty that soon became a torment of secret fear and dread.

"I'm tellin' you, cap," he continued, "I feel them fingers on my shoulders now. They burn, they do. Why they's

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never been a mornin' I woke up that I didn't wonder if they wasn't catchin' up with me afore I'd lived another day."

McConologue nodded. He understood, because other men whom he had brought back to prison had told him the same thing.

"I'm mighty glad to get back. It's a weight off my mind," said Jaco. And so he returned to finish the year he was too impatient to serve more than a quarter of a century before, only to begin serving the second sentence imposed for his escape.

I saw Jaco the day he came back, and while he was resigned to his fate to all appearances, it occurred to me that his was another of the cases that must set the imps to riding reformers' pillows at night, if there is any higher justice or retribution. His initial offense was no more than indulging a taste for strong drink that is as old as man. Yet he was stamped with the brand of criminal and thrown in with the weak, the vicious, the congenital criminals — our modern substitute for the witch-burning proclivities of the first American reformers.

Jaco's life was ruined. He had lived in hell for twenty-eight years, dodging and skulking throughout the country in which he could have led the kind of harmless, easy-going existence common to millions of small merchants and workmen. Yet because the fanatics leaped into the saddle and imposed as law fears born of their own suppressed inclinations, Jaco and countless others like him were thrown into prison classed along with the thief, the forger and the murderer as unfit for association with their fellow men.

When at last we are delivered from this national insanity called prohibition, some shrewd psychologist will write clinical reports on our leading moral messiahs, I hope. Of course the data is difficult to get, but it exists, and it is not

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too much to expect that we shall have a sane expose of those unhealthy minds which hypnotized good, simple people into the conviction that nothing but good would come from such legislative folly as the Eighteenth Amendment and the Volstead Act.

It has given rise to thousands of wicked acts; it has elevated the underworld to wealth and incalculable power; it has increased drinking, for there are three speakeasies to every saloon that formerly existed; it has made possible the drinking of liquor by minors, girls and boys of high-

school age whom the old-time saloonkeeper knew better than to serve, although the gin-parlor proprietor and the nightclubs selling beer and booze welcome their patronage and their money along with that of adults.

One of the most singular cases prohibition caused, and which came to my notice in Leavenworth, was that of a policeman named Davis who was sentenced to the federal prison for running afoul of the dry laws. In time the authorities admitted Davis, who arrived there by himself, bringing his own commitment papers. He was made a trusty because of his previous station in life and the comparatively short time he had to serve, but although most men in his position strike up acquaintances with their fellow prisoners, Davis remained a lone wolf.

Silent and taciturn, he served out his sentence, and when the day of his release arrived, no man could say what was in his mind any more than at the hour of his entry. Some time before the last week of his term he was asked to pay a fine of six hundred dollars which had been imposed by the judge who sentenced him, but he replied that he had no money. He was willing, he said, to serve the thirty days extra after taking a pauper's oath, which is the usual alternative to payment of a fine, but to his consternation it developed that the fine came within the committed class.

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This meant that he would be held in custody until it was paid in full. Davis had not foreseen any such difficulty, and he redoubled his protests against the injustice of his imprisonment after the day of his release had come and gone.

Now about that same time his brother and sister-in-law quarreled in St. Louis, and their son was sent by his father to live at Davis' house. This roused the boy's mother to such violent indignation that she straightway made for the District Attorney's office with her complaint. It was no ordinary story that she told, and her first words made the official start with astonishment.

"...what I've said is the truth," she concluded. "That isn't Davis in Leavenworth! I know! I'm Davis's sister-in-law."

When the District Attorney recovered from his first shock, she explained with a wealth of detail that Davis the policeman had been serving his sentence in the sunshine and comfort of his countryside home, while Davis the prisoner, was an odd-job man whom her brother-in-law had hired to serve the Leavenworth term in his stead.

“If you don’t believe it, take a run out and see, Mr. District Attorney.”

He took her advice and ran and saw, accompanied by some agents from the Department of Justice. As their automobile drew up before the Davis home, there was its owner in the full flush of health and well-being, watering his lawn in the sun’s setting rays.

The agents permitted themselves a few moments in which to enjoy the fantastic picture; then they hastily clambered out of the car and set about their work of laying on of hands. Davis had no time to protest; perhaps he was too overcome at the failure of his ingenious idea.

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A few days afterwards he and his alter ego were indicted for “conspiracy to cheat the law” and although the sister-in-law was said to be in a repentant state of mind by then, her sorrow was no match for that of either Davis or his unhappy impersonator. As soon as Davis had served the original sentence he was taken back to St. Louis, tried and sent back to Leavenworth for his misplaced ingenuity.

This tale was one of the funniest I heard in the parole ward that winter, and by then I could laugh at its humor, where some months before I would have been blind to everything but its miserable aspect. Like every other human being in the world, I was concerned first of all with my own fortunes, and no matter how great the unhappiness around me, no matter how coarse and brutal the stories I heard, nothing could lessen the pleasant glow that the consciousness of approaching freedom brought me.

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## CHAPTER TWENTY-FOUR

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### FOOD FOR HUMAN HOGS

OUT OF ALL the factors that had contributed to make my term in Leavenworth a little visit to hell, the greatest one remained to plague me until the end. I refer to the food served at prison mess, and even though I had but two months more to serve, word that officials were thinking of putting in a prison commissary through which inmates could buy fresh supplies, canned goods and other provisions, came as joyful news.

“It would be a welcome relief from the plunderers,” I wrote, “but I do not think they will release the prisoners without a stiff fight, for we are their chief means of livelihood — they are like vultures feeding off carrion.

“The eggs have been awful. They are mixed with cornstarch and egg coloring, so that while the breakfast mess looked like scrambled eggs, its taste was beyond description.”

Undoubtedly one of the main reasons for this continuous parade of nauseating food was the fact that in Leavenworth, kitchen duty was meted out as punishment. As a result, some three hundred examples of the lowest kind of men were to be found handling the food served to all of

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their fellow convicts. Many of the kitchen help were addicted to unprintable habits, if I can trust the reports of other prisoners and my own eyes on one or two occasions, and as I have said repeatedly, brawls and knifings were common.

The caliber of prisoners put to work in the Leavenworth kitchen was a constant topic of conversation among men of the normal, decent element, and one evening, Dick Lambert came to me in a towering rage. He had been sentenced to twenty years for mail robbery in Philadelphia, but in Leavenworth he made discoveries which made him as conscious of his respectability as a church deacon.

“What makes them think this place will teach a man to be decent when he goes out!” he cried. “They’d do better to shoot us. I’m going out of here bitter and hating the world, because listen, Wharton, what have they tried to teach me to make me any better when I get free!”

Lambert had established himself as a man who respected his own rights and who would see to it that everyone did likewise. He knew he was marked for life as a mail robber, but in comparison to some of the things he had learned about life in that penitentiary he felt that his sins were light. We shared the opinion that there are things far worse than thievery, things more corrosive to a man’s character than the flouting of established property rights.

“What do I see here but things I’d kick a man in the face for outside?” he raged on. “What kind of talk do I hear but the filthy things going on between this one and that one? I’m tellin’ you, Wharton, it takes a lot to make me sick, but this rotten talk and that kitchen gang has done it.”

His voice shaking with anger, he went on to tell me how he had been made the butt of a typical prison joke

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begun when a friend of his sent him some ice cream and cake from another part of the prison. Lambert was new to Leavenworth and he went cold at the remark of the prisoner who delivered the gift. It was usual procedure, the man had implied nastily, because there was no more than the bond of casual friendship between Lambert and his thoughtful acquaintance. At that, Dick flung the ice cream away in disgust, and the next day he took occasion to tell his friend not to send him anything else. He was met with an outburst of cynical laughter.

“Why, me an’ the boys did it for a little joke, Dick,” said the man. “You must have a cold or sumpin’ — forget it!”

But Lambert failed to see any humor in such a situation and after his short, fierce warning, he was spared any further incident of the kind. Fresh irritations soon cropped up in their place, however, and after hearing his first indignant speeches, I thought of the twenty years in Leavenworth lying before him and I pitied him so deeply that the usual words of consolation stuck in my throat.

As long as I knew him he never grew resigned to the succession of sickening meals we were offered, and if any reader feels that I stress this part of prison life unduly, I suggest that he try a breakfast like the one we



were served November 19, 1930, typical of countless others that had gone before.

“Cornstarch and egg coloring for scrambled eggs; a cupful of coffee that tasted as if it had been made out of water in which last night’s dishes were washed,” I wrote in my journal. “We never have butter, but the oily substitute tasted rancid.

“Yesterday the hogs refused to eat the string beans that were sent them from the mess hall. Our coffee at

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afternoon mess was the remains of the morning ration of ‘prison mud’ diluted with water. Everything at every meal is flavored with the grease that is never entirely cleaned from our tin plates, cups, knives, forks and spoons.”

This was my sole entry for November 19, 1930. If you follow that menu then try to imagine the man who must eat such meals three times, seven days a week, each month and year of his imprisonment, knowing full well, meanwhile, the kind of men who have prepared his food. There you have the main cause of prison riots, with idleness and filth following closely behind. By one means or another I contrived to avoid being idle, but there was no way of escaping bad food, harsh guards and bedbugs.

Buoyed as I was with rosy dreams of freedom, I still could not put myself beyond the physical nausea the first and the last of these things induced, and one of the final pages of my helter-skelter diary was covered with this familiar complaint:

“There’s a new crop of bugs in my cot. They’re tiny, but they bite with the ferocity of young alligators. They make me so utterly miserable that I wonder if the men in Solitary can feel much worse. Why can’t our omnipotent keepers form a sanitary squad and keep this place habitable for human beings? The animals in a zoo have their cages thoroughly cleaned; I should think they’d do as much for us. But perhaps that comes under the head of ‘pampering criminals.’ So far as I could, with a torch and insect juice, I’ve worked on that damned cot at every chance, but the population from some other bunk marches over in a body as soon as I have it clean.

“Still, I might be worse off. Poor Scully was reported by Ironjaw Walker today because he smoked a cigaret.

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For that dreadful crime they're sending him to Trey's where men who have committed an unprintable offense are also sent. Beside that place, Dante's Inferno is a paradise."

If anything could make my life endurable, it was comparing my lot with those who were far worse off than I — such as Scully, for instance — and I indulged the un-Christian urge frequently. The third grade, to which he had been demoted, was never shown to visitors because there was always the risk that some foul obscenity might be yelled as they passed by.

On Tuesdays and Fridays callers were allowed to gaze in admiration only at certain sections of "the most modern penal institution which civilization has yet produced." They were rushed through, two abreast, along a route of flower-bordered streets; then into the ground floor of but two cellhouses. Everything was sweet and clean; the streets were swept, the cellhouse floors mopped, the cots made up neatly. Then they were taken over to the main corridor and perhaps led to the gallery overlooking the mess hall where they could actually watch the prisoners feeding, as one might watch some apes or wolves at a zoo.

Undoubtedly they thought prison life very uplifting; some, I suppose, even went forth protesting at this coddling of felons, and the majority of them probably had a thrill over being in such close contact with badmen.

They never had time to speculate on the individual atoms making up that silent mass of blue-denimed life, the viciousness, the misery, the hard contempt, the hatred, the timidity which ruled those various minds. Some of the figures bent over tin plates were living through their term as through a protracted nightmare, but they were the lucky crowd, the short termers.

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Others had been there so long that they were no more than a faint memory to those who had known them outside. Many could have obtained their release within a few days had they any friends who were interested in appealing on their behalf. Still others had political friends and the power of wealth working to find a single loophole into which they could force some legal wedge to open the prison gates. Collectively they were scarecrows set up to convince the public that there is one law for both rich and poor.

How could those visitors expect to know of the sorrows and tragedies, the depraved habits, the treacherous intrigues which filled that world within a world? How could they know of the hopes and fears of those men, the strange friendships, the pathetic — and rare — attempts of prisoners to help

their fellows; the despair, the blatant defiance of decency; the inarticulate misery; and the resentment which prohibition prisoners bore to society?

Guards never related individual tales — at least this was contrary to custom. I wondered, though, if some of those visitors, each jealous of his social innocence as he looked on those of us branded with social guilt — I wondered if they ever stopped to speculate on the thoughts which might be running through the closecropped heads they eyed with the curiosity of spectators at a freak show.

Could they sympathize with the little Tinker? Could they understand the regret which many prisoners in our parole room shared over his sudden illness? Could they comprehend the unhappiness with which I wrote one night towards the end of November, 1930:

“The little Tinker is dead. His parole was once denied, and then it was brought before the Parole Board through some influence, and granted — but too late. Heart disease took him suddenly.

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“Poor, weak, puny, he was just one more victim of the Volstead Act. Tinker was a forlorn figure about the prison, peering at you through his thick-lensed glasses, prattling like a boy if he found that you would spare the time to listen. He was small and thin; he looked as if a healthy gust of wind would blow him away, and because he seemed eager to apologize for living, the prison bullies made him the butt of every uncouth joke they could imagine.”

From the glimpses I had of those visitors, all drawn within their shells of righteousness, I doubted if they cared whether Tinker lived or died. His character, his really fine traits would not have counted beside the fact that he was a convicted law violator. Yet sending Tinker to that human dumping ground at Leavenworth was like putting a child into a rat-infested cellar.

Before he was sentenced, he owned a tin shop and had a trade which made him a prosperous member of his community. One day, according to the story he babbled to me, he was commissioned to do a certain job, and after arriving at the place, he found it was to install a still.

“Gosh, I didn’t know what to do, Wharton,” he said. “If I backed out and they were caught later on, I knew they’d think I told on them and I got afraid. Well, I went ahead with it, and that’s how they went indicting me as one of that gang of bootleggers.”

Some of the prisoners maintained that Tinker had testified for the government, but mainly on account of his helplessness, his utter bewilderment, he was the prey of every malicious tongue and the target for every petty animosity of physically stronger men.

“Wharton,” he said to me one day, “you seem to treat me decent. I don’t care what the rest of them think,”

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and here he came close to tears — “but I don’t want you to think I done all the things you hear about me.”

Then he poured forth his tale, and I wondered why the government imprisoned him for making that still when they did not prosecute the people who bought and transported the liquor it made. Tinker had been prosperous and lived with his wife and their young son in a nice home. They enjoyed all the comforts of a middle-class American family, a car, good clothes, card games now and then with their friends, movies twice a week, and all the other luxuries which people of their station in life have come to regard as necessities.

When Tinker was sent away, his shop and its trade were ruined; his defense cost him most of his money, and while he fought to the last ditch to stay out of prison and the disgrace which his wife and boy would share, he lost.

All this wretched tale he told me falteringly, and when he had ended he stood lost in thought, looking at some clouds miles beyond the north wall. Then, slowly, a light came into his eyes, but his face tightened at once as if he were fearful that his happy thoughts might invite disaster.

“You know, Wharton,” he said in a low voice, “it’s gonna be great to get home to the family after — after — after all this! Gee, I’ll be glad to open up the shop and start to work for my wife and the kid — Gosh!”

It was almost like a prayer, fervent, soft-spoken; but two or three days later I knew it had been denied by a higher Parole Board. As I stood in the little enclosure where my broom and I hung out, one of his beefy tormentors hailed me with the words:

“Say! Did you know the little Tinker died over in Pogie (hospital) last night? Yep, he checked out with a kick of the old pump.”

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So Tinker's heart had stopped forever. The man passed on and I wondered whether this obscure tragedy would ever grow to dim the lustre in which our self-appointed prophets of the Prohibition Era have wrapped themselves. I hope so — earnestly, fiercely, I hope so; for little Tinker was not a criminal, he had no harmful, sinister instincts. You would have thought him a colorless neighbor, one of the people who go through life working and saving for a comfortable old age and to promote the welfare of a beloved child.

Tinker's only crime was timidity, yet the psychological twists of a group of fanatics made him a felon, and his son the son of a jailbird. If that is justice, it is peculiarly American justice, for no other country presents such a paradox of saintliness and sin.

He was one of the pitiful legion of liquor law violators and had they been removed from Leavenworth, together with offenders against our finance laws, none would have remained in the prison population but human misfits, mental incompetents, individuals more in need of a trained psychiatrist's aid than the unthinking, automatic punishment of penal life. They were men keenly aware of their disgrace; they had known the better things of life, and they were cursed — I use the word advisedly — with sensibilities so that each day of their lives in Leavenworth was a torment which defies the printed word.

Next to Tinker, I think that old Nelson was the most pathetic figure in that group. He had been commissioner of securities in Minnesota, he had owned and edited a newspaper, and he was a man of outstanding intelligence and fine instincts. In 1927 he was convicted with a gang of men headed by one named Cochran, in a sensational stock and bond deal. When I came to know him in December

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three years later, he was white-haired and feeble in his movements.

“Even through his prison garb,” I wrote, “one can see that he is accustomed to the refinements of life not only physically but mentally. His gold-rimmed glasses, fastened by a chain, are almost ludicrous in this rough and surly place.

“Yesterday I saw him approach a window where prisoners line up to receive supplies from the outside. He hesitated and drew back, plainly reluctant to join that string of uncouth men exchanging coarse raillery. He had never mingled with such people before and he is too old now to adapt

himself to their society, or even make a pretense of finding it agreeable. His sin must be very great indeed that he is forced to spend his old age in these obscene surroundings.”

In time Nelson came to tell me something of his activities which led him to Leavenworth. Some of the stock and bond promoters, he said, had persuaded him to sell them his newspaper so that they could use it to further their financial schemes. In payment he received no more than some stock in the enterprise and a number of rosy promises that made him believe he would spend his declining years in luxurious ease.

Be that as it may, I knew that the unhappy old man was paying the penalty for his poor judgment a thousand fold, and after spending many hours in his company I honestly believe that he was no more to the promoters than any other of their dupes.

As Christmas of 1930 drew near, he became silent and it was plain to see that he was in an agony of mental distress. Memories of the joyous holiday in former years

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must have crowded upon his mind with bitterness far greater than the lower orders of prisoners could know.

Finally it arrived, the day of rejoicing, of peace on earth and good will towards men; the day of merriment for children and happy recollections of childhood for the old; the day when hardest hearts grow tender towards their own, and even the meanest souls are supposedly touched with some radiance from the manger of the Divine Child. Alas! That radiance could not pierce the misery in which old Nelson dwelt; it was contraband in Leavenworth.

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## CHAPTER TWENTY-FIVE

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### MERRY CHRISTMAS

IN THE parole ward where I lived, Christmas was merely the hook on which to hang a callous jest, with Jungle Baby, a Negro orderly, as the butt. On Christmas Eve he had hung up his stocking, and since he was a simple, dull-witted fellow, his childish faith would have been touching in ordinary life. But to the prisoners who watched him it was a rare opportunity to laugh at his expense, and when Jungle Baby came on duty the next morning, he found his stocking filled with bones, rags, butts of cigarets and cigars, while a chorus of hoots and jeers arose to brighten his heart as he emptied it.

Christmas morning passed as drearily as any other, except for the packages which many of us received. Even here, however, the prison left its stamp, because some of them had been tampered with, and a young convict whom I knew only by sight, came back into the parole room beside himself with helpless rage and very close to tears. His family had sent him a Christmas box filled with apples and oranges, and a fine, frosted cake which his mother had baked, but when he received it, only one apple, a scrap of orange peel and half the cake were left. It was his first

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Christmas in prison, and perhaps the stifled sobs I heard late that night came from him.

At half-past five my own crowd and I had our Christmas dinner in the ward, where we improvised a table by placing boards across the frame of a cot, with newspapers serving as a tablecloth. It was a wonderful spread for a penitentiary — two roast capons bought from outside, mushrooms, asparagus, peas, corn and olives. I was cook, Litzinger and Harmon helped Christopherson dish out the food and serve it, and when we finally fell to, there were ten of us about the festive board.

"This is sure a merry Christmas for you, Wharton," said Merle, who worked in the guards' mess. Gnawing on a drumstick I grinned and nodded.

"What the hell — Merry Christmas all around!" Dougherty flourished his spoon towards the rest of us and we echoed: "Merry Christmas — all around!"

"Hope they're all as good as this," said Steve Ryan, popping a couple of olives into his mouth. "Boy, some feed."

"Take 'em as they come," said Litzinger. "Why worry about what's gonna happen to you a year from now — we might be out in Peckerwood Hill making a Christmas dinner for the worms."

"Aw, cut it out, Litz!" Eppelheimer looked up in protest. This dragging in of some non-existent ghosts to haunt the banquet was more than he could stand. "Be yourself, for Chrissake."

Litzinger laughed mockingly and speared some mushrooms on his fork.

"Well, who started it?" he wanted to know, working his jaws with vast enjoyment. "I've had worse feeds than this in Chicago."

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"Say, who got Christmas cards?" Quinn demanded. "I got about a dozen yesterday, and some more come today. I ain't counted 'em yet."

"So did I," I said. "They sure make me feel good."

"They'd oughta," Young broke in. "You're gonna go back where they came from before next month is over. Gee! I'll bet you'll walk up to the mailbox where they was dropped in just to enjoy the sight of it."

The men laughed as heartily as if all of them were in for but a few months instead of a long term of years.

"Sure I will; I'll even send you an autographed picture of me with one hand on the mailbox and the other holding my hat on my heart. With love and kisses from Charlie Wharton."

"Whatcha goin' to do back in Chi?" asked Cotton. "You ain't a lawyer any more, are you?"

"Guess I'll open a restaurant. I like good food, I know how it ought to be cooked. Maybe a little spot in the Loop would be just right. Then I'd send out cards to all my friends and ask them to patronize me."

"Swell idea." Dougherty nodded thoughtfully. "But where you gonna get the money to start it?"

"Now why bring that up?" I said. "That's the only little detail I haven't worked out yet. Maybe somebody'd be willing to stake me, or go into



partnership. I'll have to see about that when I get back."

When dinner was over, we cleaned up the remains of our Christmas feast and dismantled the table because one of us had to sleep on the cot that night. We spent the rest of the evening looking over one another's Christmas cards, and they brought me such cheer as I had never felt before.

I went to bed with a feeling of deep contentment. The meal had been excellent; I knew that many of my friends had remembered me, at least long enough to send a card

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of cheery greeting, and best of all I realized that but a few more weeks remained before I would leave Leavenworth and its twisted life behind me as one awakes to sunshine and fresh air after groping through the terrors of a nightmare.

The next few days I spent counting the hours until 1931 came in. Nothing happened worth recording, perhaps because nothing mattered to me except the passage of time. My idle hours were spent drawing calendars on bits of paper, the walls, even the floor, and to better enjoy my realization of the short time left for me in prison, I began it several weeks back and then drew a cross through each of the days that had passed, with slow, delightful strokes, each one of which brought me unutterable satisfaction.

When I ran out of paper and the game began to pall, I spent the time planning my first meal outside of prison. In my mind I scanned a list of dishes I had enjoyed in Chicago, New Orleans, Paris or New York, and each day I drew up a menu that would have fed ten giants.

Then I began to take stock of my financial situation. That was not so pleasant, and I decided that the restaurant idea was my best bet. But I knew nothing about costs, such as rent, running expenses, salaries for cooks and waiters, and these suggested such a huge sum that I went back to drawing my calendars on the walls, content to let the future take care of itself.

On December 31 I spent the morning in anticipation of the New Year's Eve feast we were to have in the parole ward that evening. I was feeling uncommonly friendly towards my fellow prisoners, and after I had whisked my broom around the streets for an hour or so, I threw it over my shoulder and went strolling about to have a talk with the men I knew.

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There was little gossip going the rounds just then, the situation seemed to be well in hand; but I went ambling on about the place, beaming like a fool, I suppose, even when I met guards whom I detested.

Just as I was on my way back to the ward, at double-quick time because of the feast that had to be cooked, I met a young prisoner, newly arrived from St. Louis. He stopped to ask for directions to the steel shop, and when I had pointed it out, I noticed that he seemed extremely young for such a place.

“How old are you, son?” I asked suddenly.

“Eighteen.”

But his face reddened, and he seemed to grow nervous all at once. I fell into step beside him towards the steel shop, and before long he confessed that while eighteen was the age he had given to police on his arrest, he was actually no more than fourteen years old. I looked at the child aghast.

“Well, watch your step here, youngster,” I told him as we reached the shop. “Older fellows than you find the going tough. Don’t take any presents, keep your mouth shut and do as you’re told. You’ll pull out of it okay.”

He looked at me slightly puzzled, but he gave a brief nod of the head as though he understood, and I went back to tell the news to my gang.

“What a feast for the wolves,” I wrote that night. “Number 37958 ought to be in some trade school learning work which will fit him for a useful place in society. Instead he is here, the fair game according to prison standards of every bully and congenital criminal — worse still, of those morally twisted dogs who will fight for him as for a great prize.

“These are tremendous odds against one lone boy. I cannot conceive how he will escape the taint these influences

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leave on older and less impressionable men. What will he be like when he goes out?”

The startling story of prisoner 37958, however, failed to rouse much interest among my cronies in the parole ward because all of them were angry. The New Year’s Eve feast did not materialize, and since dinner became just a can of tomatoes and some cigarets, the men were in no mood to consider the plight of the child among them. In that respect, you see, they were just like everyone in the world outside.

Then January first arrived, and their spirits rose with the evening, for our capons arrived and we had our feast twenty-four hours late, but none the less welcome. A convict named Nick refused to let us put the birds in his oven because some stool pigeon had reported him for having the stove on which our Christmas dinner was prepared. However, I stewed them instead on another stove in a cell, and we ate them with relish made keener by our satisfaction at having got around the obstacles that threatened to prevent the meal altogether.

Meantime the prisoners who had filled Solitary the night before were released New Year's morning, and after I had taken time to record the fact, I went back to drawing my calendars, with one more delightful cross to make.

Thereafter I made but two entries in the diary that had now become a sizeable wad of papers torn from packages, from the bathroom, backs of envelopes and anything which offered a blank surface to my pencil.

"Charlie Harmon went out today," reads the scrap dated January 9, 1931. "His last farewell from authority was a guard's rebuke because in his nervous excitement he could not dress fast enough.

"Some of my friends want to come and drive me home, but I am afraid the weather might be nasty. Besides, it is

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too far, and I rather look forward to the luxury of a sleeper — clean, sweet sheets and the pleasant rumble of whirling wheels taking me back to Chicago. I want to enjoy a dining car, too, with its linen tablecloth, its shining silver and china: and the landscape speeding by outside the window. This is too much to miss after all this time of bedbugs and bad food."

Two days later I closed my diary and threw the pencil away for sheer joy.

"The bonds which have made me a part of this unholy alliance between man and prison are soon to be broken. Throughout my time here I have tried to maintain a detached viewpoint, and now as I am making ready to leave, I can look back and see that for me, at least, the tune has not been unmixed with benefits. Among these are the loss of three chins, a realization that cursing, obscenity and bad language is the sign of a weakling, and my learning the lesson of pity.

“In just a few more days I leave all this behind me. I am gratified that it is about over and I hope that the tale of my experiences may add a mite to the thought that some day must bring a change in the two-thousand-year-old system of penal punishment as an alleged means of correction and reformation. I welcome the thought of release from this place where on every side are seen the effects of the corrosion wrought by passions and hatreds bred in prison life. I am glad to leave this factory of criminals which sends forth a constant flood of criminality to pollute the decent stream of society. Soon it will all be behind me and my problem henceforth is to re-establish myself in civil life on the plane I knew before I became a prisoner.”

And so my Day of Days finally dawned.

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As we had entered prison together, so Freddie Zehrl and I left it together on the morning of January 20, 1931. He was almost in a daze; his bewilderment was so great that I put him into the cab that had come to pick me up and drove with him to the town of Leavenworth where I bought his ticket for Chicago. Then I took him to a hotel room and left him, after making arrangements to meet him again in Kansas City.

Jack Glynn, then Leavenworth's Chief of Police, and a gentleman who rejoiced in the name of Mr. “Foot” Hogan met me by an appointment made through Edward Evans, a Chicago friend of mine. They drove me around in Hogan's car, and after introducing me to several of the town's leading bankers, we continued on to Kansas City, where we spent a convivial afternoon until the evening train from Leavenworth pulled in.

After I boarded it, I met Zehrl, and together we went into the dining car to enjoy our first tablecloth in two years. He was still unable to realize his freedom, and after I had ordered dinner for two, I sat back to watch the miles slip by out the window. It was night by then, but I could count them, I thought, by the glow of a lamp in some isolated farmhouse, by the twinkling strings of lights on highways that occasionally ran near the railroad tracks, and by the beams of motorcars that seemed to be standing still as we roared by.

It was a delicious moment, and I looked at Zehrl to see if he could appreciate it, but his eyes were fastened upon the immaculate white tablecloth, the shining silverware and the plates that gleamed with cleanliness. He seemed to doubt their reality until the waiter arrived and

started ladling our soup out of the tureen. Freddie fell upon it avidly after an experimental sip or two, and by the time

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his plate was empty he had regained most of his normal good-humor.

“Christmas! This is the works, I’m tellin’ you, Wharton!” he exclaimed at last. “Now I know what you musta felt like, dinin’ with Big Tim Sullivan in Paris!”

I laughed across the table at him, he was so pathetically joyous.

“You just guessed it,” I said. “Only this is fifty times better, Freddie.”

He smiled broadly and glanced out the window, but the waiter had returned to serve our meat and vegetables, and that interested him far more than the blackness through which we were speeding.

“You know, Wharton,” he said at length, spearing a nicely browned potato with his fork, “I used to like to think about those days you spent with Sullivan. It kind of made me forget where I was at — you know — I got so, I could think I was doin’ Paris with you an’ him. I’d get on the train with you in Chi and get off in New York an’ we’d keep goin’ around together all the way.”

He gave a short, staccato laugh, and ate the potato. “I used to do that myself, Freddie, when things got pretty tough,” I said.

“But there was one part of your story I had to make up myself,” he continued, between mouthfuls. “You never told me what took you to New York, see? So I fixed up a lot of things that might have happened, an’ I always meant to ask you what it really was all about, but every time we met I forgot about it.”

“Well,” I said, working busily with knife and fork, “a fellow named Fred Gresheimer was the cause of it all. His father owned a big clothing store in the Loop, and some way they were related to the parents of Bobbie Franks

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who was kidnaped and murdered by Loeb and Leopold — but Bobbie hadn’t been dreamed of in those days.

“Gresheimer was the star salesman for a big New York brokerage house, and he was one of those boys full of personality, fascinating, a free spender along Broadway and the Chicago night spots, and he had more girls than you could pack into the Madison Square Garden or the Stadium.

“Back in 1912 he fell in love with Lillian Lorraine, who was a star in the current ‘Ziegfeld Follies,’ and Ziegfeld didn’t go for the arrangement at all. Greasy lived, loved and laughed with Lillian nightly at Rector’s, Paul Kelly’s, in the Nevada where she lived, and in all the other play spots from the Battery to Harlem.”

“You through with them peas?” Zehrl interrupted.

“No,” I said, scooping up a spoonful. “If you want some more we’ll order them.”

“Oh, it’s all right — go ahead, Wharton.”

“Well, Greasy was a born mimic, and one of his favorite acts was to strut into Rector’s, coat thrown back, head on one side, a long cigar in his mouth, gesturing extravagantly. It was a perfect imitation of Ziegfeld as he used to follow Lillian into some lobster-palace before she started going with Greasy. He got a laugh everywhere, because everyone knew all three, and the merriment was at Ziegfeld’s expense. That made Ziggy furious and he started out to do a little humiliating of his own.

“It wasn’t long before Greasy found himself threatened with a fugitive warrant from California over some check which had caused him a little embarrassment with a blind restaurant keeper in Los Angeles. He locked himself up in his hotel suite and put in a long-distance call to me at my office in the old Tribune Building, and as soon

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as I heard his story I grabbed my brief case and caught the fastest train for New York.

“So when I arrived I went to Tim, as I told you, and he called off Pinkerton, ‘The Eye,’ who loved him as everyone else did, and Chief of Detectives Dockerty, who had to do as Tim said. And that’s how I came to be in New York for Tim to shanghai me not very long afterwards.”

“Oh, yeh,” Zehrl said absently, prying a piece of meat loose from the fat. “Uh-huh.” He salvaged the morsel and looked up at me in complete contentment. “This is sure some swell feed, Wharton.”

I was sure he hadn’t heard a tenth of what I had said, and I didn’t blame him. What were such things to him, compared to the first good dinner outside of prison? We had our coffee and then we went back to the club car where a number of men were sitting around.

We fell to talking, soon we were ordering gingerale and ice from the porter, and presently I found out that they were deputy marshals and dry

agents returning to Detroit after having delivered a gang of prisoners at Leavenworth. With them was a reporter from the Detroit Free Press who knew me, and before we broke up to go to our berths, the party grew highly convivial.

“Say,” one of the agents said to me, “I’ve seen you some place before.”

“Yes,” I laughed at him. “You saw me yesterday afternoon when you brought those prisoners in through the outer East Gate. I was loafing around the yard and saw you come in.”

“Oh yeah!” He grinned and looked at me closely. “It must be the clothes that make the great change.”

We had a merry party the rest of the evening, and I was feeling very mellow when I turned in between fresh,

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cool sheets, in a suit of silk pajamas I had bought in Kansas City. This first night of freedom was as impossible to sleep through as the first night of imprisonment. My mind was too full of plans, and every now and then I raised the window shade to watch the occasional lights flash by, while my ears heard the pleasant rumble of the wheels bearing me back to home.

I had one uneasy thought, however: how would my friends receive me? Would my imprisonment alter their feelings toward me, I wondered. But in the morning after I had shaved and dressed and breakfasted, Zehrl and I descended from the train to find a little welcoming delegation on hand to greet me. At that moment I came closer to tears than the day I first caught sight of Leavenworth’s dirty yellow walls and its ugly smokestack.

No one had come to meet Freddie; his people were very poor, and after we said goodbye he made his way out to the street car. Then I turned to my friends. There were Ed Evans, Al Dunlap and several other members of the Press Club.

“Well, old-timer,” Dunlap grinned, pumping my hand, “the Chicago Athletic Association put you out when you went away, and we’ve come to give you a new home in the Press Club now that you’re back.”

I had a horrible feeling that I was going to blubber, so I hastily hailed a taxi and we all drove over to the Club for a little homecoming celebration. There I was ushered into my room with due ceremony and a salute of twenty-one corks.

The hours passed swiftly. There were thousands of questions I wanted to ask: where was so-and-so? what was he doing? how did that case Bill

Dannenberg was working on come out? and they answered as many as they could in one short night. I told them at length that I had thought

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REPRODUCTION OF ADVERTISEMENT RUN IN CHICAGO NEWSPAPER SHORTLY BEFORE  
THE EVERGREEN PARK MAIL ROBBERY, AN ILLUSTRATION OF CHARLES S.  
WHARTON'S STANDING IN THE COMMUNITY. [EDITOR]

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of writing a book on my experiences in Leavenworth. It raised a chorus of encouragement.

"Nothing bitter," I said. "Not a tirade, not a diatribe. Just the facts of what I saw and heard and lived through down there, and the utter futility of



thinking that such a place reforms and corrects.”

I showed them some of my notes, and they agreed that it was well worth the writing.

So I have taken their advice, their encouragement to heart, and this book of my life in Leavenworth penitentiary is the result.

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## CHAPTER TWENTY-SIX

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### WHAT IS TO BE DONE?

IN READING over the written records of my life in Leavenworth, after I had been back in Chicago for some months, I saw that it was not the kind of pleasant stuff which we Americans are said to prefer. Yet in justice to the unfortunates I lived with as a fellow prisoner, I have no desire to delete as much as a word.

I realize that I have accused the United States government of maintaining a place which in some of its aspects makes the vilest brothel seem a temple of virtue. I realize I have made many serious charges in addition to that gravest one of all. And I appreciate above all that the status of missionary has been thrust upon me, as a former law maker, public official and citizen in good standing. I would therefore be remiss, were I to evade my plain duty.

If I were asked tomorrow to draw an indictment of those responsible, I believe I would pass the individual by and bring the System itself to arraignment. In other words, likes and dislikes of any person or group of persons must be forgotten in any fair analysis. Any criticism I offer is and must be constructive. If at times personalities have crept into my recital, charge them not to

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the individual but to the System that made his behavior possible.

I therefore move to my other charges, and my indictment would embrace the following counts:

1. The System has builded a guard force in which ignorance, brutality, and a minus quantity of ordinary human kindness are the general earmarks.
2. The System has created a Parole Board which uses its functions as a bribe to force convicts to testify against others, thus endangering the liberty of a possibly innocent man; and its power as a threat of vengeance for failure to pay fines.

3. The System sanctions the serving of food that would scarcely be inviting to the starving in the slums of our great cities; the System also, as part of the same general absence of plan, permits the respectable merchants of Leavenworth to gouge extortionate prices out of convicts for edible food.

4. The System is guilty of non-feasance in the matter of sanitation, ordinary cleanliness, and incursions of vermin to a degree that would shame a Bedouin encampment.

5. The System permits and fosters the non-segregation of first offenders and young prisoners.

6. The System allows and encourages to be maintained a hospital regime that breeds a fear of illness and a reluctance to appeal for treatment, in the mind of every prisoner.

The officialdom in jobs created by the System will not, I aver, be able to answer the indictment, because the System's chief evil is its refusal to admit the truth or even the debatability of any charge against it.

"I am the System," it says, "and thou shalt have no investigations against me. And after all, what a lot of bother it is. The men are just convicts, and what good is a

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convict's word; and anyway, the convicts wouldn't agree even to the truth of the indictment."

Alas, the statement of System is all too true. The convict is fully aware from bitter experience that his word can be weighed only against a fellow convict's word and only then to the latter's detriment. And he is relentlessly impressed with the futility of ever raising his voice against the System. Yet I am convinced that some time, somewhere, in some manner, the truth will come to light. I would be glad to see that future reckoning rendered unnecessary, but the plea of guilty and the promise of reformation first would have to come from the System itself.

After all, it is such a simple thing to correct. It is not necessary to conduct a congressional investigation, although I believe there are men on the floor of Congress who would be brave enough and intelligent enough to force the System to lay all its cards on the table.

Their first step would be to protect from the System's vengeance that convict who spoke frankly and adduced visible evidence in support of his testimony.

Should the System be interested in what I, the former Congressman and recent convict, have to suggest, I proceed to set forth what I consider fair comment and constructive criticism on the charges I have made:

1. The guard system at Leavenworth is a startling survival of centuries gone when the worst that happened to a prisoner of any degree was still too good for him. It appears to have been entirely forgotten — if it were ever known — that the guard is the man in closest touch with his charges. Theoretically, they are supposed to look to him for safekeeping, not only from their own instinctive desire to escape, but from the machinations and malices of their fellow prisoners. They are also supposed to look to him for fair play, for an equal share in the universal treatment

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of the convict body. The harshness of fate is easily borne if all suffer equally, just as well-being is accepted as a matter of course when all enjoy it alike.

I may be on weak ground when I denounce the average guard for ignorance, brutality and a lack of kindness, but I know that men resplendent in the antithetic virtues are not easily obtained for \$140 a month. On that amount of money the Leavenworth guard must live outside the prison, maintain himself and his family and buy his own uniforms. In addition, he is hurled into the job with no preparation, no instruction, to meet practically no requirements for the important work demanded of him. Small wonder then that he guides himself by the only rule he ever hears:

“Make ’em mind; treat ’em rough; and don’t bother us about it.”

And smaller wonder still that he succumbs to bribery for an additional dollar to eke out the family livelihood, or that his viewpoint becomes narrower and more warped as he sees the steady insane regard of his fellows for the invisible System that pays him \$140 a month.

I do not charge that my description fits all the guards at Leavenworth — quite the contrary. There were men in that guard body when I was there whom I considered above the average citizen in principle and humanity. But they were few in number, and their somewhat furtive efforts towards honesty, fairness and kindness were submerged in a mad welter of official cowardice.

Guards at Leavenworth were judged by the virulence of their reports against prisoners and other guards. It never occurred to anyone to reason that the guard who maintained discipline of the prison unchallenged and

carried with him the universal respect of his charges, would naturally be the most efficient. And such a guard, it

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necessarily follows, would be too busy doing his own work to devote time to investigating his fellow workers.

2. The Parole Board of the federal prison organization in which Leavenworth is an important division at the present time, is part of the machinery in the Department of Justice. The Attorney General of the United States is in charge of the entire Department. In other words, he investigates, prosecutes, imprisons and paroles prisoners.

As penal theorizing goes, the Attorney General, because of his high standing, is presumed to deal fairly with the guilty — but his conscience is his only guide. The result of the department scheme of things has been to create in and through the Parole Board another weapon of punishment far worse than the original sentence of imprisonment meted out by court and jury to the offender.

In my recital of prison events, I cited cases where paroles were granted to prisoners — on all the evidence obtainable by me or my associates — simply because they had agreed and proceeded to testify against other accused persons. Did it ever occur to those high officers that their bargain with the prisoner was on a par with a money bribe paid by a defendant to a witness in his behalf? And did it ever occur to any of them that they were opening the door wide for perjury on the government's side of the case, and the consequent conviction of a possibly innocent man?

I cannot, by any stretch of the imagination, arrive at the conclusion reached by these gentlemen that any statement made by a prisoner in his own behalf, or in that of a fellow prisoner, must be accepted with tremendous caution, while statements favorable to the Department's side of a case were to be accepted as true and rewarded accordingly.

In other cases I recorded in these pages, I pointed out where the Parole Board denied release to men who had failed to pay the fines imposed in addition to their jail

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sentences. By what specious reasoning the greatest Law Department in the world can stamp that collection proceeding as equitable, I do not know. I have always been of the opinion that parole was a method of restoring

fallen men to society and of yet retaining some jurisdiction over them sufficient to build them at last into social assets. How this can be done in terms of money I do not know; and I am certain that the Attorney General of the United States does not know either.

The only fair solution of the federal parole problem can come through taking control of the Parole Board away from the Department of Justice. The Department should be represented, of course, as part of the Executive branch of the government, but there should also be representation of the Legislative branch of government determined by the Congress; and of the Judicial branch which tries and sentences the offender. After all, the reformation of criminals should be the business of all branches of the government.

3. My count against the System's method of preparing and serving food seems to me one of the most serious that can be brought. If we accept as true the old slogan shouted in every war since Napoleon to the effect that an army travels on its belly, I rejoin that a penitentiary of convicts will reform faster by the same token.

I do not want to be placed in the position of a criminal coddler. In my days as a prosecutor, I waged relentless war on the guilty, and I would do the same thing again if I were called to serve. I would not agree, however, to the theory that spoiled, poorly cooked and filthily served fare would make my victories more signal or my prisoners more thoroughly subdued.

What unrest I witnessed at Leavenworth was chargeable to the brutal protest of men who were fed like brutes with

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food that brutes would not eat. The only reason we choked down our dismal and unsavory portions was the hope springing eternal that perhaps tomorrow it would be different. If tomorrow ever came, it was the day after I left.

The excuse cannot be given that appropriations are not sufficient. The fact is that the food brought in is of good quality and ample quantity. It is ruined in preparation by the slovenly inefficiency that pervades in kitchen and dining hall. The kitchen is a place of punishment to which disobedient or refractory prisoners are sent regardless of their qualifications to do the work. Perhaps it is part of the same general governmental plan that assigns men stenographers who join the army to operate lawnmowers at camp headquarters.

There are two solutions of this particular problem. In the first place men assigned to kitchen duty could be assigned on their qualifications from civil life and as a reward of merit for good behavior. In the second place, the prison administration could organize and maintain a prison commissary similar to the army canteen. It certainly would involve no breach of discipline for the men in a group of cells or in a parole room to club together and do their own buying and cooking. On the contrary, I believe it would do much to relieve the awful despondency that pervades Leavenworth like a heavy gray fog.

This question of a prison commissary brings up my charge that Leavenworth merchants are given at least silent permission to victimize the inmates. I speak from experience and I dispose of the point with the simple suggestion that the administration could correct the abuse in thirty minutes if there was any desire to correct it.

4. With regard to the general squalor, filth, infestation by vermin, and plain dirt of Leavenworth, I will speak at once to the point. In that entire convict population one

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will find a large percentage always idle because administrative inefficiency “hasn’t enough work to go around.” The result is that men scheme and plot through the days to obtain this or that job, because they have found that time goes faster and forgetfulness of one’s surroundings attends physical activity.

What, then, can be the explanation of the prison authorities for the unsanitary conditions that exist? I am sure I do not know, and all my powers of observation brought me no information on the subject while I was there. On all sides from my fellow convicts I heard denunciation of living conditions. They would speculate among themselves for hours as to the entertainment they would derive in cleaning up this or that section of the prison. There would be conversational orgies on the comparative values of paint and whitewash as a disinfectant. And all of these speculations and discussions had an immediately present perspective — that of a clean, livable place, even though it was a prison.

The kitchen was easily the worst department in the penitentiary from the standpoint of cleanliness. The filth there was appalling. The floors were covered with a layer of scum and grease into which each fallen scrap of food was ground by many prison shoes. The outstanding feature of the

place, in fact, was grease and more grease. It covered everything — the walls, the ceilings, the sinks, the stoves, the pantries and the cupboards. Every pot and pan and kitchen utensil was coated with it. Even the sorry dishes from which we ate in the dining hall were grease-filmed. There was so much grease in the kitchen, in fact, that it had seeped into and engulfed the dining hall.

Add to that sea of grease the grimy cell houses, the gloomy parole rooms, the dingy warehouses, and the

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ubiquitous bedbug, and you have a tale of unclean horror that can never be completely told.

Visitors, of course, never had a glimpse of these conditions. The lower tiers in Cellhouses A and B were kept clean, and when the curious were taken to the dining hall, they were admitted to a balcony that looked out over the convict tables and benches below. They could not see the grease from there. In fact, they saw little of the prison as I knew it, and no doubt they went away praising the administration for its accomplishments. I do not criticize the administration for putting the best face on what the visitors saw, but I do believe and suggest that a permanent sanitary gang would provide needed work for the convicts and better conditions tremendously, and I believe also that the convicts would fight for jobs in the sanitary department.

5. I have written much in these pages of the effect conditions in Leavenworth are bound to have on the minds of immature and bewildered boys hurled willy-nilly into that maelstrom of vice, filth and degradation. What more can be added than to say:

“Don’t send them to Leavenworth. Build another place for boys and first offenders.”

It must be remembered that half a century crammed with delightful and interesting experiences had passed over my head before I entered the gates of Leavenworth. The years had brought me solid appreciation of the nature of things. I was no child in point of age, experience or education, but I saw many a child there who had never been ten miles from home until he was placed on a train manacled to another malefactor and brought to the federal prison.

One would think that the very skies would weep over tragedies like that; and the contemplation that those in



charge of our penal system have not corrected the condition leaves one at a loss for words.

6. My criticism of the hospital regime at Leavenworth is based entirely upon my observations among the convict body in which I lived. I have always enjoyed excellent health, my only ailments being the gray days that followed convivial nights when I dined not wisely but too well. I appreciate all that Providence has done for me in the way of physical well-being, and I shudder now at the very thought of the prison hospital if the descriptions that I heard from other prisoners were accurate. The color of veracity is on their side, however, as there was no reason for them to lie to me about the place. In my opinion, the first step to be taken in the reformation of any evil doer is to ascertain his true physical condition when he enters the prison. Moreover, his physical progress in the prison should be carefully watched and encouraged.

I do not believe that the ends desired can be obtained from a convict hospital staff. Most of the convict physicians in the prison were sent there for violation of the Harrison anti-narcotic law, and the very nature of their offenses made them ipso facto ineligible to practice their profession. Yet they are loosed among their fellow prisoners to do practically as they please. Is it any wonder that the great body of convicts served for the hospital attaches as group targets for their resentment against conviction and confinement. Furthermore, I do not believe that placing one convict in authority over another is good penal practice. If a felon forfeits his right to executive control over himself, how can he reasonably be expected to exercise such control over others? I shall have more to say on that subject farther along.

The hospital regime at Leavenworth should be changed at once and for all time. The hospital should be staffed by competent civilians who would diagnose and treat the ailments of prisoners. The physicians now confined to Leavenworth could serve as internes and laboratory assistants under the supervision of the civilian staff. In that way only can the confidence of the convicts in the hospital regime be established and maintained. It is a barbarous state of affairs when sick men fear to apply for treatment and

nurse their possibly communicable diseases silently and inefficiently because of their abysmal terror.

My demand on the System is that it do what it claims: establish a method of true Reformation. If it cannot or will not meet my demand, then let it drop the sham and come out openly with its present objective of Punishment alone as a deterrent of crime. There is nothing difficult in the solution of the problem except deafening one's ears to the bellowing protests of lazy and calloused job holders.

Frankly, I heard in Leavenworth no word of reform, regeneration, rehabilitation, restoration or any other of the catch phrases chanted so glibly from lecture platforms by the penal dogmatists. I never saw a prison official extend a helping hand or a helpful suggestion to any prisoner. As I have said before, there were a few guards with innate decency, but even those were muzzled by the System.

There was no educational plan in existence at the prison. True, there were classrooms for the absolute illiterate, but the curriculum did not venture beyond the third primary grade in the public school system. Yet the extensive use of the prison library seemed to indicate a desire on the part of a great number to learn. The only classes available to those men, however, were varying grades of iniquity and degradation — classes in mail robbery, counterfeiting, white slavery, forgery, safeblowing, and every other predatory

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activity of mankind — constantly in session. The most avid students, of course, were the boys and the first offenders of whom I have spoken before. And not the least of these classes were those in moral delinquency which I have discussed at length by itself and which reduces ordinary indecency to a mere shade.

I have commented on the fallacy of a system which permits one convict to act as a superior over his fellows. One of the most progressive prison officials the United States ever saw was John L. Whitman of Illinois. His was a hand of steel gloved in silk. He had a smile for every convict, and every convict smiled readily back at him; yet when occasion arose, he could administer discipline firmly and fairly. There was seldom any trouble at any prison where he was in control, and then the outbreak invariably could be traced to a sudden upheaval by an insane prisoner. Warden Whitman once told me that the secret of his success lay in the fact that he

never permitted any convict to exercise executive authority over his fellows.

In order to carry this theory into actual practice, it will be necessary for the authorities at Leavenworth to institute a careful and painstaking course of instruction for guards and civilian employees alike. The standards of such a school would necessarily be high, but only those men who could pass the tests should be permitted to assume charge of convict groups. That would necessitate a higher rate of pay, but in the long run the government would be money ahead through the elimination of waste and thievery that is now appalling.

No sane person would think of assigning uninstructed attendants to the care of those physically ill, and it seems to me that the same reasoning should prevail in handling moral delinquents.

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The same consideration brings up the glaring absence at Leavenworth of a prison board of psychiatry. These men should have the first and last say concerning a prisoner's fitness for work and his ultimate release. There are in the United States today many scientists who would be glad to serve in such a capacity for little or no financial return, and their very standing makes them unreachable by moneyed or political interests.

These, then, are my suggestions, based on my own experiences during nineteen months and six days imprisoned at the Leavenworth federal penitentiary. Until the System is changed, the building of more prisons will only serve to perpetuate it. Crime will continue to breed in the new as it does in the old prisons; youths who might be turned into useful citizens by proper training and example will continue to become tainted by the hardened vicious men whom they associate with daily; more jobs will be created where greed and ignorance can sit enthroned so long as the public is willing to pay the cost in steadily mounting taxes.

If you feel that imprisonment has warped my judgment or made me unduly considerate of the prisoners to society's cost, let me quote from a Chicago newspaper of July 27, 1931, which printed the following Washington dispatch:

“Jails National Disgrace, Commission Says.”

“The American prison system is inadequate, obsolete, fails to protect society or reform the criminal, and tends to increase crime, the national

commission on law enforcement and observance declared in a special report submitted to President Hoover.

“It was a stinging indictment of prisons, reformatories and jails. Shocking conditions were revealed in most of the prisons, while overcrowding and close confinement caused

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prison riots. Radical recommendations for changes in federal, state and county jails were made.

“America’s antiquated penal system, the report declared, is modeled on the old Auburn (N. Y.) prison idea, built on the style of a fortress in 1819, and the scene of desperate rioting. Cells are too small, there is scant ventilation; vermin is rampant, punishment is severe, the report said. There is idleness, no segregation of criminals, and conditions in general lead to discontent and revolt, the report stated, adding: ‘Nearly everybody leaves prison, and unless they leave better than when they entered, society has gained little by their incarceration.’

“By the construction of new places of confinement along the lines recommended by the commission, it was stated, the deplorable condition of overcrowding could be avoided, and only the hardened, dangerous criminal kept in a ‘fortress-like’ building. It declared: ‘The millions of dollars now employed to construct elaborate maximum-security prisons, could, with much better advantage, be used in the development and proper financing of adequate systems of probation and parole.

We find our present system of prison discipline to be traditional, antiquated, unintelligent, and not infrequently cruel and inhuman. Brutal disciplinary measures have no justification. They neither reform the criminal nor give security to the prison. We recommend that they be forbidden by law.’

“The report bitterly scores prison officials, the wardens, the keepers and the guards. It declares that most wardens are political appointees, with a short tenure of office and little sympathy for their task. It also criticizes rules and regulations governing the conduct of prisoners and the drastic penalties for trivial infractions.

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“Probation should also be more extensively employed in dealing with offenders, the report said, adding: ‘No man should be sent to a penal

institution until it is definitely determined that he is not a fit subject for probation. This is much less expensive, and from the social point of view much more satisfactory.' There are some 3,000 prisons in the United States, it was declared, and some 400,000 prisoners pass through their gates each year.

"The actual cost of administration is \$30,000,000 annually and the sum invested in the buildings is \$100,000,000. The average cost for maintenance of a prisoner is \$350 annually, nearly a dollar a day. Approximately 56 percent of the prisoners are under 30 years of age."

This report was written by people of highest social and intellectual standing who could not be accused of partiality to prisoners because of having been in prison themselves. Yet examples of every point they stress can be found in the pages of this book, and such facts should impress even the unimaginative reader.

There will always be offenders against the law. No vain hope that it could effect a social millennium prompted the writing of this volume. But it should make plain that nothing is more fallacious than the idea that prisons are society's protection against the anti-social individuals, for they hold nothing by which a prisoner is given a different viewpoint, nothing which will help him become useful after his release.

To the reader who may not be mentally able to place himself in the position of a newly convicted man, I offer this suggestion:

Imagine yourself one of thirteen men whose combined sentences reach one hundred and fifty years, arriving in a gang on the train from Washington, D. C. At the gate

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your gang is joined by another sent down from St. Paul and Minneapolis.

To many of those around you, perhaps to yourself, the gates are a symbol of a lost fight, through trials, expensive appeals, blasted hopes, fears, agonies of worry and finally despair. The big gates swing open; you enter to a guard's brusque command. The gates swing to, and the first minute of twenty years has begun for several in your stoop-shouldered gang.

You are led through the usual routine and at last you are in a cell, spending the first night in prison, far from home, your loved ones, your friends, crushed beneath a weight of misery and horror at this strange, repellent new life. Tonight when those clanking locks bang into place you

will have a taste of the deadly years ahead as you lie on your cot staring at the bars with eyes so wide that they hurt. Presently you will think:

“It can’t be real! Those barred doors and double locks aren’t meant for me! I’m no mad dog... there must be some mistake, some horrible mistake!... Surely those patched and faded overalls aren’t my clothing... it’s some trick...

“Who was that fellow who lit a cigaret after evening mess and talked with the guard — the same guard who got mad when I didn’t move fast enough today ‘Hurry up, you, into the first cell there,’ he yelled — at ME! ‘What you waitin’ for? Think it’ll bite you?’ That to ME!... I hate him! I’d like to punch him in the jaw... I’d like to...

“What’s that clanking, that snapping of locks? Is it... is it... God! I’m locked in! I’m in prison! Oh my God! All those years of my life? No-NO! I’m not bad, not bad... but they’ve locked me in! I can’t get out...

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out to my wife and my kids... Oh, oh... oh God.....”

Nearby, yet separated by a wall of chilly steel, is another newcomer, desperately forcing himself to think of anything but the bars and cement penning him into that forty square feet which he must share with his cellmate. He is thinking of a convict he saw cleaning out the corridor that afternoon, menial work, yet:

“It would be some relief just to get out of here and pace up and down for a while. Surely they will allow us to do that... But I wouldn’t care to have a broom and pick up rubbish like that fellow; it would be too much like a streetsweeper. Still, that’s a silly idea! Better stop thinking about it... Hmm, at least I’m glad my friends can’t see me... but... but is it possible I must live like an animal because I tried to float that stock deal?... If I had succeeded I’d have been wealthy and respectable... now....”

The grief and despair he has fought off for hours finally triumph, and he throws himself face down upon his cot racked with the terrible choking sobs of a man unused to tears.

It is so throughout every cell in quarters; none of the new men can face the realization of their plight. It will take weeks and months before the full horror dawns on them; for the present their bewildered minds look on it all as some ghastly joke. It is a joke — a joke to think that any one of them can aspire to the sweeper’s job for a long time to come. He served three years

before he won that place as orderly with its privilege of the freedom of corridors and cellhouses Saturdays and Sundays as well as weekdays.

In time you will come to realize what rare liberty he enjoys after you have been locked in those vermin-ridden

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ratholes called cells over a long succession of Sundays and holidays. Dreary hour will follow dreary hour from sunrise to sunset to sunrise again. Like the other prisoners who entered with you, you will toss and fret and mutter vain complaints to the unanswering walls. Exhaustion will bring short interludes of oblivion, but waking in the death-gray dawn, distorted shadows will streak down the far wall of your cell, and there will be another horrible moment at the thought: "Prison bars!... Convict... ME!!... All those years of my life... Oh Holy God — No — NO!"

Is this too much for you to imagine? It is no more than the common experience of men who are entering prison every day and week and month of the year, even those who have short terms of a year or two. They have sinned according to the law, but as yet society seems unable to distinguish between corrective discipline and vengeance. Society is vindictive, not just, if my two years' observations are any means of judging. For myself I can say but one thing to those new arrivals at the Leavenworth federal penitentiary:

"Face it! Fight! Pull up your mind to think of other things; struggle unceasingly. Otherwise you will sink into the quicksands of prison despair and plumb greater depths of human misery and degradation than you would have imagined possible in your life outside of prison walls."

As I speak to the rest of society, however, the question is: shall our prisons be places of punishment in which men are made worse instead of better, or shall they be places where the twisted brain shall be healed and the moral outlook changed to conform to society's?

If the first result is desired, then let all criminals of whatever degree be imprisoned for life so that they may not bring back the vicious knowledge acquired in prison to

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pollute the outside world. If it be the second, then let the prison heads be chosen for their character, training and fitness for the work through their study of criminals.

Then they can distinguish between the morally hopeless, the subnormal, the congenital killer and the man who has made a mistake and is capable of rehabilitation.

Teachers from the time of Confucius agree that force and abuse accomplish nothing, yet these are the only methods employed in “reforming” prisoners. Precept and example never have been tried.

A man who enters a thief will doubtless emerge a worse thief than before, and while fear may restrain a few ex-convicts from further lawlessness, it will have no effect on the majority whose only care henceforth will be to avoid getting caught.

Leavenworth is a great mill through which men pass in an endless chain to be turned out as ex-convicts. It is as useful as a sausage machine which grinds up meat with poison. Most of the men it sends forth will be a burden on their communities, and the few who can ever benefit themselves or the world at large after their release are made fearful by the brand upon them.

Leavenworth offers a man nothing except a chance to lose what little self-respect he still possesses. It is dirty, it reeks with all the evils which its antiquated system is heir to, it is degrading, and because I had unlimited opportunity through my various jobs to study and chart its dangerous undercurrents, I shall always think of Leavenworth as a House of Whispering Hate.

END



